

International Criminal Tribunal
for the former Yugoslavia



Tribunal Pénal International
pour l'ex Yougoslavie

Page 6069

1 Wednesday, 8 November 2006
2 [Open session]
3 [The accused entered court]
4 --- Upon commencing at 2.15 p.m.
5 [The witness entered court]
6 JUDGE BONOMY: Good afternoon, Mr. Haxhiu.
7 THE WITNESS: Good afternoon.
8 JUDGE BONOMY: You intend to use English in giving evidence?
9 THE WITNESS: I will give in Albanian.
10 JUDGE BONOMY: Would you first of all make the solemn declaration
11 to speak the truth by repeating the document which is about to be placed
12 before you.
13 THE WITNESS: Okay.
14 [Interpretation] I solemnly declare that I will speak the truth,
15 the whole truth, and nothing but the truth.
16 JUDGE BONOMY: Thank you. Please be seated.
17 The situation is a bit different from the last time you were here.
18 The Trial Chamber has the evidence that you gave before; it also has your
19 statement. So we've got a lot of information. You're here so that
20 counsel representing the parties, both the Prosecution and the Defence,
21 can ask questions to increase our knowledge, if they can, either by
22 supplementing the information you've already given, clarifying things, and
23 in some instances, no doubt, challenging what you've said. To give us the
24 maximum benefit of this hearing, it would be of great assistance if you
25 were able to concentrate on each individual question that's asked,

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1 concentrate your answer on the point that the question is directed to.
2 The first person to ask questions will be for the Prosecution, Ms.
3 Moeller.
4 Ms. Moeller.
5 MS. MOELLER: Thank you, Your Honours. And before I start may I
6 introduce Mr. Michael Hehn, who is assisting me today. He's an
7 intelligence analyst with the Office of the Prosecutor.

8 JUDGE BONOMY: Thank you.

9 WITNESS: BATON HAXHIU

10 [Witness answered through interpreter]

11 Examination by Ms. Moeller:

12 Q. Good afternoon, sir. Would you please state your name for the
13 record.

14 A. My name is Baton Haxhiu.

15 Q. And what is your profession?

16 A. I'm a journalist. For the moment, I am editor of the Express
17 newspaper in Pristina.

18 Q. Sir, did you give a statement to the Office of the Prosecutor on
19 20 August 2001?

20 A. Yes.

21 Q. And in May 2002, did you sign a declaration, and did you give a
22 short addendum statement at that time as well?

23 A. Yes. I made the addendum here at the Tribunal.

24 Q. And when you came here this week to testify, did you have the
25 opportunity to read your statement and the addendum?

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1 A. Yes, I did read it. It was the same, and I have nothing to add to
2 it.

3 Q. And when you went through your statement, did you point out one
4 issue; namely, a date which is on page 3 of the English version, which
5 refers to the following sentence I read it out: "For me the war in Kosovo
6 began on October 1st, 1998, when the students held their first peaceful
7 protest."

8 Did you make a correction regarding this date?

9 A. Yes. The correction is related to the year. It was the 1st of
10 October, 1997, and not 1998.

11 Q. And including this correction, can you attest today that your
12 statement and the addendum are true and correct, and that you would
13 testify what is contained in these statements if you were examined on all
14 these questions today?

15 A. Absolutely, yes. I have nothing to add to what I've stated in my
16 statement, and I will respond to every question you will make.

17 MS. MOELLER: Your Honours, I would like to tender Exhibit P2478
18 at this stage; it's the 92 bis package of the witness, including statement

19 and addendum.

20 JUDGE BONOMY: Thank you, Ms. Moeller.

21 MS. MOELLER:

22 Q. Now, sir, did you also testify in the Milosevic trial on 23rd May
23 2002?

24 A. Yes, I did. But it wasn't this room, I think.

25 Q. And when you came here this week, did you also have the

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1 opportunity to read the transcript of your testimony at that time?

2 A. Yes. I read it last night -- yesterday, as a matter of fact, the
3 transcript and my statement, both of them.

4 Q. And you are quite fluent in English, are you?

5 A. Relatively fluent. This is a language that journalists use a lot
6 for communication.

7 Q. And now after having read your -- the transcript of your
8 testimony, do you also attest today that you would testify the same if you
9 were examined about all these questions today, and that what you said then
10 is true and correct to the best of your knowledge?

11 A. Yes. I've said the same things before, I've published the same
12 things in the media, and I will say the same things today.

13 Q. Thank you?

14 MS. MOELLER: Your Honours, this is Exhibit 2479 which I would
15 like to tender now.

16 JUDGE BONOMY: Thank you.

17 MS. MOELLER:

18 Q. Now, Mr. Haxhiu, I would like to go through some areas of your
19 testimony and your statement, starting with what you stated about the
20 education system in the early 1990s.

21 MS. MOELLER: And this is page 3 of the statement, Your Honours,
22 and in the transcript it's pages 5388 to 5393.

23 Q. Mr. Haxhiu, you stated that in 1991, there was a change of the
24 curriculum which also included that the Albanian language was no longer
25 allowed as a language in the education system. Can you explain to these

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1 Honourable Judges why was this change of education so important for the
2 Kosovo Albanians?

3 A. Before there was a gradation of problems until this decision was

4 made. There was constitutional changes in 1989; and then the state of
5 emergency later; and then the decision to change the educational system.
6 A new curriculum was imposed, and this curriculum foresaw that all the
7 Albanian students had to have their education in the Serb language, with
8 the exception of the primary schools. So the Albanians were not only
9 ex-communicated physically, so they were not allowed to enter the
10 buildings of the schools in Kosova, but also it was imposed upon them to
11 learn and study according to the Serb curriculum.

12 And this triggered the crisis, together with firing en masse of
13 the workers from their jobs. The contribution for the creation of this
14 university was not made by the Serb state, but by the Kosovan citizens
15 themselves. And this created the basis of the conflict which then led to
16 a total war.

17 Q. Okay. And you already mentioned the creation of a parallel
18 system, a parallel university, where I think you yourself also obtained
19 your degree, your final degree, from. You mention in your statement that
20 the diplomas of this parallel university were not acknowledged by Serbia.
21 So what would these young people after graduating from this parallel
22 university actually do? What opportunities would they have with this
23 degree?

24 A. I have to clarify something here. The educational system was a
25 total apartheid. For example, the primary school aged children were

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1 divided by walls, while the older students were not allowed to go into
2 these buildings. In the beginning, we had these two alternatives; either
3 to create a parallel system or to create conflict and enter into a war. A
4 conflict would be suicide for Albanians, because we knew that the Serbs
5 were very powerful. And the whole Army of Yugoslavia could be against
6 Kosova at the time, as they were in Bosnia and Croatia. So we didn't want
7 the situation to degenerate into a conflict.
8 So that was the only possibility, the only alternative, to create
9 this parallel system, to create an illusion that something would change,
10 and to give everybody some time and hope that the situation would change
11 for the better in the future, hoping that the Milosevic government would
12 become aware of the situation and create some dialogue to come out of that
13 situation. That's why that parallel system was an attempt to avoid war
14 after 1991.

15 Q. Now to come back to my actual question. Young people graduating
16 from this parallel university, when the diplomas were not acknowledged by
17 the Serbs, what were actually the opportunities that young people, young
18 Kosovo Albanians, had at the time?

19 A. There were two alternatives. In the beginning there was only one,
20 as a matter of fact, because the Serbian state did not recognise the
21 diplomas. The only alternative was pack your bags and go to the west.
22 The other one was the conflict and unpleasant situations because of the
23 large presence of the police.
24 Secondly, it was a very difficult situation at the time, because
25 the Serbian state was asking young people to join the army. So the only

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1 possibility for those young people at the time from 1991 to 1995 was to
2 enter this parallel system of education and then leave Kosova. So this
3 was the first alternative.

4 The second alternative was to get organised against this regime
5 who had violated the dignity of each and every Albanian, breaking into
6 their homes, into their work-places, and what had never happened with the
7 earlier Serb regimes, they broke into people's homes until 1997 --
8 JUDGE BONOMY: Mr. Haxhiu, I do have to interrupt you, I'm afraid.
9 Our case is principally concerned with 1998 and 1999. Background is
10 important up to a point --

11 THE WITNESS: Okay.

12 JUDGE BONOMY: -- but we can't possibly go into all this detail.
13 You were asked a question about what opportunities were actually
14 available for young graduates from the parallel system. And you've said
15 one was to go to the west. Could you perhaps tell us if there were any
16 other opportunities for them.

17 THE WITNESS: [Interpretation] The other alternative was to go to
18 the mountains and join the fledgling KLA, and what we can say about the
19 situation is that the last attempt to avoid this situation was the
20 education agreement signed by Milosevic and Rugova. This was the last
21 attempt to stop the young people from --

22 JUDGE BONOMY: Prior to that agreement, though, which was in 1996,
23 is it realistic to say that young Albanians were joining the fledgling
24 KLA?

25 THE WITNESS: [Interpretation] No, no, no. Until the agreement,

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1 there was no fledgling KLA in Kosova; at least we did not know about any.

2 JUDGE BONOMY: I don't think Ms. Moeller's question's related to

3 after 1996. She was asking you what the position was when the parallel

4 system was set up and running. So the only option that it would appear

5 you've identified was to leave Albania and go try to find work somewhere

6 else -- to leave Kosovo, rather, and go to the west.

7 THE WITNESS: [Interpretation] Yes, exactly.

8 JUDGE BONOMY: Thank you. Now, you'll understand that it's taken

9 a long while to get to this point, and it's important that we make maximum

10 use of the limited time we do have.

11 Ms. Moeller.

12 MS. MOELLER:

13 Q. Mr. Haxhiu, you already mentioned the San Egidio agreement, the

14 education agreement of 1996, and this agreement contains the clause that

15 Albanian teachers and pupils should return to the universities. Was that

16 actually ever implemented?

17 A. No, absolutely not, it was not implemented. And the only

18 institution that was allowed was the Albanological institute.

19 Q. Then in October 1997 there were the student demonstration, as you

20 state on page 3 of your statement, English version. Were these

21 demonstrations announced beforehand?

22 A. Yes, they were announced in the media and press conferences, the

23 organisers had these press conferences, and also the rector of the

24 university. What they said is that if these facilities are not available

25 to Albanians, then the protests will start.

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1 Q. And you stated that the police intervened violently. How many

2 police intervened at this demonstration, roughly?

3 A. Let's say at the place of the event, about 500 to 700, but the

4 whole town was full of policemen, every street, every junction, everywhere

5 you could see policemen. But after the announcement of the organisers

6 that this protest would take place, the policemen were positioned in the

7 key points, and their intervention was brutal, very brutal.

8 Q. Were there any vehicles involved in the police operation?

9 A. I am not an expert of those vehicles, but there was a vehicle with

10 some kind of grid which was in front of the students. I was about 20 to

11 30 metres away from that place where the students were. And then there
12 was a helicopter flying over the group of students, about a hundred to 150
13 metres high. I can't say exactly how high. And there were hundreds of
14 policemen and lots of vehicles behind. The students did not give any
15 signal that they would be violent in their demonstration.

16 Q. So what was this very brutal way of intervening, if you could
17 describe that? What did the police do?

18 A. First of all, the order was given to this vehicle to start -- this
19 vehicle with a grid. And behind that there were policemen. At that
20 moment all the students sat down, and this vehicle which was armoured came
21 very close to the first group of the students, right up to their faces.
22 And then the policemen who were wearing helmets intervened. There were
23 some other people in plain clothes who intervened as well, and they began
24 beating up the organisers.

25 And then tear gas was used against the students. There were about

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1 20.000 people there, and hundreds of tear gas bombs were used in a place
2 which was very dangerous because it was a very narrow street. And I had
3 never seen before such brutality on the part of the police, and that was a
4 critical point of the Kosovan crisis, and from that time on everything
5 precipitated for the worst.

6 Q. Did you find out at any point who was responsible for this
7 violence used by the police in this action?

8 A. I learned this later as a matter of fact, but in the meeting that
9 I had with Jovica Stanisic, Bakalli, and myself, the name Lukic was
10 mentioned and at that time I did not know who he was, but they said he was
11 the chief of Drzavna Bezbednost, public security, chief of the public
12 security. Before that time I had not heard about him. At the day when
13 this happened, though, we did not know who had given this order.

14 MS. MOELLER: Your Honours, this is page 9 of the statement.

15 JUDGE BONAMY: One of the corrections you made when you did your
16 addendum was to change a reference to the second student demonstration.
17 The one we're talking about was on the 1st of October. When was what you
18 describe as the second student demonstration?

19 THE WITNESS: [Interpretation] This happened approximately one
20 month later, and the organisers were the same people --

21 JUDGE BONAMY: So, so that date must be wrong as well then,

22 because it's given as the 1st of November, 1998, but that should be 1997?

23 THE WITNESS: [Interpretation] Yes, yes, 1997.

24 JUDGE BONAMY: [Previous translation continues]...

25 MS. MOELLER:

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1 Q. The day or around the day of this student demonstration in October
2 1997, you state - this is page 4 of the statement - that the police also
3 broke into the Koha Ditore office, and you state that they beat yourself
4 and your colleagues a bit. Can you describe what the police officers did
5 you and your colleagues?

6 A. We returned to the offices after the event. Ten minutes after we
7 entered the offices, a large group of policemen wearing helmets entered,
8 and they broke the door in. They hit the director, Luan Dubroshi first,
9 then they grabbed me by my throat and hit me. Then they went after the
10 group of journalists who were recording the demonstration.
11 Fatos Berisha, who was the cameraman, he jumped from the second
12 floor and he broke his leg. He works today at the television centre and
13 he still suffers from that leg now. Fortunately, Nicholas Hill was inside
14 and he saw the event with his own eyes. He was there in the office.
15 Nicholas Hill was from the American embassy.

16 Q. Thank you. I would like to move on now. You also talk in your
17 statement about the closing down of some Albanian newspapers and magazines
18 in the early 1990s, specifically you talk about the police closing down
19 Bota e Re in 1991 --

20 JUDGE BONAMY: Ms. Moeller, does this sort of thing justify
21 examination in oral evidence, going back to the early 1990s?

22 MS. MOELLER: I submit it does, Your Honour, because it's a huge
23 part of the background that he --

24 JUDGE BONAMY: You know what the result will be, that the Defence
25 will bring a very expansive case about the early 1990s and at the moment

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1 it's very difficult to see what the relevance is.

2 This has implications for the whole trial. Now, what is the
3 relevance of looking at the early 1990s when we're talking about in this
4 indictment brutality in 1998 and 1999?

5 MS. MOELLER: Well, we set out quite concrete allegations in the
6 background section of the indictment, including those, and I think as the

7 witness states in his evidence. These discriminations that happened in
8 the early 1990s played quite a role in the later events, and as we have
9 them in the indictment as allegations in paragraphs I think 80 --
10 JUDGE BONOMY: What --
11 MS. MOELLER: -- to 102, we live under the premises that we have
12 to prove these allegations to some extent as well and he is one of the
13 few --
14 JUDGE BONOMY: You'll be hear to the next century doing that in
15 the Balkans, because there are 101 different views about virtually
16 everything that happens there. We have to concentrate on what is
17 significant in this trial.
18 Now, you tell me what the relevance of the early 1990s and the
19 closing down of the press was before we decide whether to listen to more
20 of this.
21 MS. MOELLER: As I've said, it is a part of the indictment, and so
22 far we have been told to prove every aspect of the indictment.
23 JUDGE BONOMY: By whom?
24 MS. MOELLER: Well, it's a --
25 JUDGE BONOMY: Who has told you to prove every part of this

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1 indictment?
2 MS. MOELLER: Well, I think it's a normal procedure in every legal
3 system I would be familiar with, that you have to prove allegations you
4 set out in an indictment.
5 JUDGE BONOMY: And which paragraphs should I be looking at?
6 MS. MOELLER: You should be looking at paragraph 88, which has the
7 third sentence: "Throughout late 1990/1991 people were dismissed, local
8 courts were abolished, judges removed." Then --
9 JUDGE BONOMY: And how did that contribute to the charges in the
10 indictment in 1999?
11 MS. MOELLER: Well, I think it contributes to the -- to the
12 overall building-up of a joint criminal enterprise, which came in force no
13 later than 1998, but that means at the same time it may have come into
14 force earlier, and there certainly was a build-up over years for this
15 situation to erupt as it did then in 1998 and 1999. And this is why we
16 included the background section into the indictment because we think it
17 is -- it makes sense to have a certain background to the events and to --

18 the build-up of the situation to put you, as the Court, in a position to
19 judge --

20 JUDGE BONOMY: Tell me the relevance, the direct relevance, of
21 these events to what you allege the Serbs did to Albanians in 1999. Tell
22 me the direct relevance, what it did -- what the picture, your theory of
23 the picture is that this will amplify.

24 MS. MOELLER: Well, the picture is that what -- what erupted in
25 1999 was only the outcome of something that had started in the early

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1 1990s, and the same politics that were applied already in the early 1990s
2 also were part of the discrimination which again then was part of our case
3 in 1999.

4 This witness will also talk about what happened to his newspaper
5 then on 24 March 1999, which was like the final measure taken against him
6 and his newspaper, but before that happened for many years there were
7 other forms of discrimination and other things which I think cannot be
8 left out of the picture. It would be artificial. And generally I -- the
9 reason why we included this background section into the indictment and why
10 we lead evidence on this is that it has also been a common practice in
11 this court to give some background in the cases of political and
12 social --

13 JUDGE BONOMY: The background's in the written statement.
14 Give us a moment to consider that.

15 [Trial Chamber confers]

16 JUDGE BONOMY: We don't consider it appropriate to explore this
17 any further in oral evidence. It's in the written material that we have
18 in front of us. We have to concentrate on 1998 and 1999, and we'd be
19 grateful if you would go to that period, please.

20 MS. MOELLER: Very well, Your Honours.

21 Q. Mr. Haxhiu, where were you -- or let us first go to 1998. In the
22 transcript you testified about going to Malisevo in May 1998. How was the
23 situation in Malisevo at the time?

24 A. It was the only place that could be called a free place. It was
25 controlled by the KLA. There were refugees there who had come from

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1 different parts of Kosova, mainly from Drenica. You could see houses
2 overpopulated; on the other hand, you could see people anticipating an

3 attack. You could see houses that had been burned along the Pristina-Peje
4 road, and of course there was fear of attacks that would make the
5 situation in Malisheve, which was controlled at that time by the KLA, even
6 worse.

7 Q. How big a group of refugees did you see, if you can estimate?

8 A. I can't say how many there were. There were people on the roads.
9 There were people in the houses of this small town. Mainly this town was
10 inhabited by refugees who had fled from Drenica, which had been attacked,
11 and there was also people from the Dukagjini area, which had moved to that
12 area after the well-known meeting of Milosevic with the Kosovar
13 delegation.

14 Q. And did you go to any other areas in Kosovo between, let's say,
15 June and October 1998?

16 A. We mainly travelled in the company of journalists from Reuters and
17 Associated Press. I went there immediately after the offensive that was
18 launched by the Serb forces on Rahovec. The entire population of Rahovec
19 had moved to Berisha mountains, and this was the reason why we visited
20 this area with two diplomats, David Slinn and Jan Kickert. And the aim
21 was to convince the KLA to start a dialogue to give -- to put an end to
22 the war, and to establish a provisional government that would, in a way,
23 pave the way to dialogue.

24 JUDGE BONOMY: Ms. Moeller, can you assist me to find in the
25 statement the reference to events at Malisevo in May.

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1 MS. MOELLER: It is in the transcript, Your Honours.

2 JUDGE BONOMY: Oh, sorry.

3 MS. MOELLER: It is page 5429.

4 JUDGE BONOMY: Thank you.

5 MS. MOELLER:

6 Q. And how many refugees are we talking who, as you said, fled to the
7 Berisha mountains, approximately?

8 A. The three of us saw a horrifying situation. In the Berisha
9 mountains in all that area I would say there were over 100.000 refugees.
10 The number perhaps even didn't matter, but there were a lot. The
11 situation was terrible. The representatives of the KLA asked the two
12 diplomats to provide humanitarian aid for the refugees because the
13 situation was really horrifying.

14 Q. And which other areas, if any, did you go to during this time?

15 A. I personally went to this area, but Veton Surroi and Chris Hill

16 went to -- Ledam Shala [phoen] went to the other area. They wanted to

17 convince the KLA to start a dialogue to pave the way for this provisional

18 government. The dialogue was very harsh in a way because of their

19 convictions, but in a way this discussion came to an end. We could not

20 see a single house that had not been set on fire along our road.

21 Q. And along which road would that be, if you can explain the road

22 you referred to?

23 A. We entered a road that went to Lipjan, a small town near Pristina.

24 That road went through small villages. Since I was not familiar with that

25 area, I asked throughout the journey where the Berisha area was. Of

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1 course, there were policemen along the way, on the road Peje-Prishtine, on

2 the left side. Along this road you could see houses that were burned. At

3 least me, personally, I didn't see a single house that looked normal and

4 undamaged.

5 Q. Thank you. Now, in spring 1998, did you ever go to Prekaz?

6 A. I was in the newspaper offices, and from Julian --

7 THE INTERPRETER: The interpreter didn't catch the last name.

8 THE WITNESS: [Interpretation] -- informed us that there was an

9 attack launched on Prekaze early in the morning. They told us which roads

10 had been blocked. They asked us to go there and report on the incident.

11 We -- I told him personally that the only way to get there was through the

12 road that goes to Vushtrri, since he said that all other roads had been

13 blocked.

14 We got on a jeep, Land Rover. We took to this Vushtrri road that

15 led to the village of Lipovec as far as I know, and approached the area of

16 Prekaze village.

17 MS. MOELLER:

18 Q. [Previous translation continues] ... to summarise it a bit more.

19 We are short on time as the Presiding Judge already told us.

20 Could you repeat who you went with. I think the second name was

21 missed by the transcript. Julian was the first name. What was his last

22 name?

23 A. Broadfight, Julian Broadfight, first secretary of the British

24 Embassy. And Jonas was the first secretary at the Swedish embassy.

25 Q. And did these two diplomats later report on Prekaz?

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1 A. They went on two days there. They reported on the incident, and
2 afterwards they were proclaimed persona non grata. There was a report in
3 Novostine [phoen] newspaper which contributed to them being persona non
4 grata by Serbia, and they were later replaced by other diplomats.

5 Q. Thank you.

6 JUDGE BONOMY: Are we going to see the reports that these
7 diplomats made?

8 MS. MOELLER: No, Your Honour, because they are not witnesses.

9 JUDGE BONOMY: Is there a reason for that? This is the sort of,
10 you know, independent material that obviously would be of use to the
11 Tribunal in picking its way through the versions that we hear of events.
12 Anyway, carry on.

13 MS. MOELLER:

14 Q. I would like to move now to 1999. Shortly before the war started
15 you were summoned to court and convicted for a publication that appeared
16 in Koha Ditore, of which you were editor-in-chief at the time. Is that
17 correct?

18 A. Yes, we published a communique issued by the General Staff of
19 the KLA. This communique was also published by Bujku and other
20 newspapers.

21 To my recollection, it was a Friday. Afterwards, we were
22 immediately summoned by the judge for a court session that was scheduled
23 for Sunday at 3.00 p.m. We went there in the morning. The judge told us
24 that you have published this and this article. In order to prolong the
25 procedure, I said I did not speak Serbo-Croatian, although I did, and that

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1 I requested an interpreter. So they called us again on Sunday, and on
2 this occasion they communicated the verdict to how -- to what I was
3 sentenced. He said, the judge said, that this is not my fault. This was
4 an order that I received from Belgrade.

5 This was on the 22nd or the 23rd, I don't remember exactly the
6 date, but it was two days before the bombing started. And my lawyer
7 Bajram Kelmendi was informed. He was killed later on, together with his
8 son.

9 Q. Your Honour --

10 THE INTERPRETER: Two sons, correction.

11 JUDGE BONOMY: Did I rightly identify in your material whether the
12 statement of the transcript, that that killing was very close to the time
13 of your conviction?

14 THE WITNESS: [Interpretation] 24 or 48 hours later.

15 JUDGE BONOMY: Thank you.

16 THE WITNESS: [Interpretation] But I don't believe that his killing
17 is related to what Mr. Kelmendi defended.

18 JUDGE BONOMY: Thank you.

19 MS. MOELLER:

20 Q. And you say you were summoned to court on a Sunday. Was it normal
21 for courts in Serbia to sit on a Sunday?

22 A. No. I think this is a unique case in the entire world, for a
23 session to be held on Sunday.

24 JUDGE BONOMY: Well, we're looking for extra time if we can get
25 it, Mr. Haxhiu. It's an interesting possibility.

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1 MS. MOELLER:

2 Q. Mr. Haxhiu, you said this article, that statement of the KLA was
3 published in other papers. Were any other people, to your knowledge,
4 convicted for having published it?

5 A. No, no. He was not convicted, and not even summoned to court.

6 Koha Ditore in fact was an object of pressure exercised by the police.
7 They were aware of the fact that we would not respond to their calls
8 unless they sent a written summons. They began to visit our offices and
9 ask us questions about things that they had no right to ask questions.

10 Q. So let me ask you, before this trial and conviction on the 22nd
11 March, there were other occasions on which Serb authorities tried to
12 interfere with your newspaper, were there?

13 A. There were other occasions, but I don't know of anyone being
14 convicted except for an editor-in-chief who was convicted in Belgrade, a
15 courageous one, and actually he resembled us at Koha Ditore.

16 JUDGE BONOMY: Mr. Haxhiu, just to put this in context and without
17 commenting in any way about the rights or wrongs of what happened in this
18 instance, on which it may be impossible for us to make a determination
19 because we don't have the newspaper as far as I'm aware, but your paper
20 was allowed to continue to operate, was it, or did this close you down?

21 THE WITNESS: [Interpretation] It was closed down two days later.
22 On the 24th, all the computers were confiscated. The entrance to the
23 offices were blocked, and the print-house was set on fire.
24 JUDGE BONOMY: Now, I understand that. But was that in any way
25 connected with the fine?

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1 THE WITNESS: [Interpretation] I don't think so. I can't say that.
2 JUDGE BONOMY: And thereafter, what was the future of Koha Ditore?
3 THE WITNESS: [Interpretation] It was closed down because the
4 bombing started. The police entered and the print-house was burned.
5 JUDGE BONOMY: Yes, but it resumed publication.
6 THE WITNESS: [Interpretation] It resumed publication in exile, in
7 Tetovo, and later on, after we returned, it again resumed publication in
8 Kosova, after 12th June 1999, when all Kosovars returned to Kosova. But
9 during the relevant period that we're speaking about, the building was
10 confiscated by the police, the computers, the entrance was blocked, and
11 the printing house was set on fire.
12 JUDGE BONOMY: Thank you.
13 MS. MOELLER:
14 Q. One more question relating to Koha Ditore. I understand from your
15 statement that it was first a weekly magazine and only in 1997 became a
16 daily political newspaper. Given the situation of the press and media
17 situation in Kosovo at that time, how did Koha Ditore ever get permission
18 actually to become a political daily newspaper?
19 A. It was a pressure on the part of the western countries to allow
20 the functioning of a newspaper in Kosova. Part of it was financed by
21 George Soros. We functioned with a minimal budget, but we reached a
22 maximum circulation. Why we turned it into a daily newspaper was because
23 it wasn't possible through a weekly magazine to treat all the problems
24 prevailing at Kosova at that time. Bujku was a daily newspaper that was
25 sort of a compromise between the Serb government, the Democratic League of

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1 Kosova, and the international community --
2 Q. Let me stop you here. You mentioned Bujku. Why wasn't Bujku
3 closed down when in the early 1990s many Kosovo Albanian and other
4 newspapers were closed down, or taken over by the Serbian Assembly?
5 A. The word itself, "Bujku," means that this is the newspaper

6 dedicated to agriculture. The word itself means a farmer. Maybe the Serb
7 government allowed it for cynical reasons. It is -- and by making it the
8 only newspaper that was not closed down, they wanted in a way to show that
9 there is a newspaper existing and that's how it remained. It served the
10 Democratic League of Kosova. It was a big lie, this newspaper, as was the
11 entire regime and the situation at that time.

12 Q. Okay. Now, on 24 March when the NATO campaign started, where were
13 you?

14 A. I was in a Pristina neighbourhood called Bregu i Diellit. In the
15 house of a friend of mine, who is a journalist and a writer,
16 Teki Dervishi, we spent, if I can put it that way, half the time inside
17 the apartment and half the time in the basement.
18 When the bombing started, we thought that the war will come to an
19 end soon, that the bombing will only last for three or four days, and that
20 a solution, political solution, to the situation would be found.

21 Q. And how long did you stay in the basement at this apartment?

22 A. I stayed there till the 29th, then I went to another location. On
23 the 2nd, I left Kodra e Diellit together with hundreds of thousands of
24 other refugees who were fleeing the town under the orders of soldiers or
25 whatever they were who were showing us the road where to go and how to

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1 leave Pristina.

2 Q. Okay. These soldiers -- you say "under the orders of soldiers."

3 Can you describe how -- I mean what kind of orders were these. Were
4 people -- did people flee on their own flee will, or were they told to
5 leave the town?

6 A. No. They had formed a line at the rear of the column. Some
7 others were giving orders to houses, to people to leave their houses. The
8 order was "napred," forward. It was a group of people who were rather fat
9 because -- and I wouldn't say they were soldiers or policemen because the
10 policemen and soldiers that we knew were elegant in a way so -- they were
11 slim. They must have been paramilitaries or members of groups. In every
12 street, there was a vehicle, military or police vehicle, and on every
13 junction there were vehicles who were giving us directions. We reached
14 the border, we remained there for a couple of days because the Macedonian
15 government would not allow us to cross into Macedonia --

16 Q. [Previous translation continues] ... the soldiers -- you say they

17 were fat. What kind of uniform, if any, did they wear? And if you could
18 make your answer a little bit shorter, if possible, please.
19 A. I had never seen before such uniforms. It was green.
20 Q. Plain green or camouflage?
21 A. It was camouflage, green with camouflage pattern. Some of them
22 had overalls.
23 Q. And what do you understand to be a paramilitary? You mentioned
24 that you think they were paramilitaries. How do you distinguish a
25 paramilitary from the army or the police?

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1 A. Well, it's logical. You can distinguish them because of their
2 weight, you can have a look at them and you see that they're different.
3 And the way they were ordering people, it was not military language, it
4 was very harsh language, typical paramilitary language. I don't know
5 whether they were paramilitaries or not, but because of their bodies, the
6 way they looked, and the language they used, I thought they were
7 paramilitaries.
8 Q. Was it your understanding that these men in the green camouflage
9 uniform operated absolutely independently of the army and the police in
10 Pristina? Because you mentioned that police and army vehicles were in
11 every street -- or what do you mean by saying "paramilitary"?
12 Because "paramilitary" may mean that this is an independent organisation
13 in the military definition.
14 A. Well, if we speak about paramilitaries in Kosova, these were used
15 as a group in May 1998 for the first time, and they were present all the
16 time from that time on. And one of these groups were -- was headed by the
17 chief criminal Arkan, whose base was in Grand Hotel in Pristina. We had
18 information about this before, but for the first time we -- or, rather, I
19 saw these people at Kodra e Diellit. I don't know anything about
20 hierarchy or how the orders came from and things like that, but I --
21 that's all I can tell you about them.
22 Q. Now, you said you went to the Tetovo border. How was the
23 situation at the border?
24 A. Horrible. It was a convoy of more than 15 kilometres. Thousands
25 and thousands of people from Vushtrri, Mitrovica, Pristina, and all the

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1 villages along the way. Because Bllace, which was a place close to the

2 border with Skopje, there was no room for anybody to stay there anymore.
3 So the order was to go towards the border, and this was a kind of a
4 pressure on the Macedonian government to allow these people to enter
5 Macedonia. I was there for four days, but other people remained there
6 longer.

7 Q. Okay. Thank you.

8 MS. MOELLER: No further questions, Your Honour.

9 JUDGE BONAMY: Thank you.

10 Mr. Haxhiu, can you explain a little more about the circumstances
11 in which you came to leave Pristina. You were there in hiding for four
12 days, and then could you explain how you came to come out of hiding and
13 then leave?

14 THE WITNESS: [Interpretation] Because I was a publicly known
15 person, I did not sleep at my house, as other people who are public
16 persons. So we went from one part of the town to another. It was very
17 dangerous to move during the night, so we tried to go from one place to
18 another in the early morning, when there were not too many policemen in
19 the street.

20 At that time, I followed the news, the CNN and the BBC. We were
21 thinking that the war would end in three or four days, but that did not
22 happen.

23 So a few days later we were all in these basements or houses which
24 were not ours, houses of other families. In the morning of the 2nd of
25 April, these forces dressed in green, as I said, came in that area and

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1 they had started expelling people from their houses. This was -- this had
2 started in another part of Kodra e Diellit, but they were approaching us.
3 Thousands of people had to leave their homes --

4 JUDGE BONAMY: Well, that's the bit I'd like to clear up. What
5 was it that made them leave their homes?

6 THE WITNESS: [Interpretation] What made them? Well, I think it
7 was clear. It was ethnic cleansing of the area. They did not want
8 Albanians to be there.

9 JUDGE BONAMY: Well, what happened? What did people do or what
10 was it -- just tell us the facts. Don't tell me that it was ethnic
11 cleansing; that's something that we may have to decide eventually. Just
12 tell me what was happening on the ground where you were that you say

13 caused the people to leave.

14 THE WITNESS: [Interpretation] More concretely, this group of
15 people in green uniforms, part of them was guarding the people who were
16 down the road, while the other part of the group went from house to house
17 and told the people to leave their homes. And that's how in two or three
18 hours all the houses were abandoned by the people. All the people were
19 told to leave their neighbourhood.

20 JUDGE BONOMY: Did you actually see that happening, people
21 going -- people in uniform going into houses and forcing the population to
22 leave their homes?

23 THE WITNESS: [Interpretation] I saw it with my own eyes. I
24 declared this, I stated this in the press conference I held in Bonn, then
25 also in London and Paris. On the 8th and 11th of April --

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1 JUDGE BONOMY: [Previous translation continues] ... I don't need
2 to know the whole history of how you've dealt with this since.

3 THE WITNESS: [Interpretation] Yes.

4 JUDGE BONOMY: Did you notice anyone refusing to go?

5 THE WITNESS: [Interpretation] It was impossible to refuse. People
6 were scared. There was a lot of fear.

7 JUDGE BONOMY: [Previous translation continues] ... if someone did
8 refuse and what happened to them? I'm trying to get the facts, not
9 generalisations about circumstances which don't help Judges to reach
10 conclusions. In a court -- I'm sorry, I'm having to explain this to
11 people at this stage, but in a court we work on facts, and I would like
12 the facts that were occurring at that location at that time that caused
13 people to leave. I think it's a simple matter but it doesn't seem to be.

14 THE WITNESS: [Interpretation] How could you say no to people
15 carrying guns?

16 JUDGE BONOMY: See, that's a good start. That's the first mention
17 of guns, I think. Let's get the facts. It's not for me to put words in
18 your mouth. I want to know what was happening.

19 THE WITNESS: [Interpretation] I think some things are
20 self-explanatory because they were carrying guns.

21 JUDGE BONOMY: What do you mean, "things are self-explanatory"?
22 We weren't there. Fortunately we weren't there. We have to hear it from
23 the people who were. I'm sorry about that, but we can't make assumptions.

24 THE WITNESS: [Interpretation] Okay. Then I will tell you that
25 those soldiers were carrying guns and they wore masks and they went from

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1 house to house and ordered people to leave, each and every house. That's
2 why there was this large group of people who were leaving their homes on
3 the 2nd of April, and I was a witness to what happened that day.

4 JUDGE BONOMY: Now, could you see a good security reason for
5 requiring people to leave their houses?

6 THE WITNESS: [Interpretation] Yes. Only the 24th and 25th there
7 were news about people who had been killed, Bajram Kelmendi and others.
8 So people were scared. So I cannot explain you from this far back in
9 time. It was so long ago, and the fear at that time was extraordinary.

10 JUDGE BONOMY: You've misunderstood my question. I'm trying to
11 find out if there was some good reason, rather than bad or evil reason,
12 why it would be necessary to move people from these houses. Was there
13 something else happening that moving them from the houses would provide
14 security to them?

15 THE WITNESS: [Interpretation] I'm sorry, but I have to explain
16 this. I cannot say everything in one sentence, but however I'll try.
17 Every Albanian that was in Pristina at that time was
18 metaphorically dead. They could not do anything to save their lives. We
19 all ran the risk of being killed. You cannot even try to comprehend the
20 situation that existed there at the time, two days before the bombing and
21 two days after the bombing as well. Hundreds and hundreds of policemen
22 were on the streets.

23 JUDGE BONOMY: I'm not making myself clear. We've heard evidence
24 in other circumstances of people being moved because it would be safer for
25 them if they were somewhere else. What I'm trying to find out is whether

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1 there was some good reason why it might have been safer for the people in
2 Pristina to be moved.

3 THE WITNESS: [Interpretation] Well, fear is part of the human
4 being and it is possible that some of the people were scared and wanted to
5 leave from a place where killings were happening to Macedonia, where they
6 would feel safer. So fleeing from death and going somewhere where you
7 could have the hope of being alive, that was a satisfaction for us.

8 JUDGE BONOMY: Now --

9 THE WITNESS: [Interpretation] That's why I cannot deny the fact
10 that there were people who left because they were scared and they wanted
11 to find a safe place to stay.
12 JUDGE BONOMY: I'd like to turn to something else. In your -- the
13 statement in 2001, you referred to your involvement in attempts at
14 negotiation. And you say in the statement: "In the beginning of November
15 1997" you got a phone call from a man named Stijovic. Now, was that in
16 fact November 1997?
17 THE WITNESS: [Interpretation] Yes.
18 JUDGE BONOMY: So attempts were being made instigated from the
19 Serb side to engage Albanians in discussion in November 1997?
20 THE WITNESS: [Interpretation] As a matter of fact, it was an
21 attempt made by the Albanians, not the Serbs, but we wanted to have
22 mediators from the international community.
23 JUDGE BONOMY: I understood that this started when you were
24 detained and there was a so-called conversation and that that detention
25 was at the --

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1 THE WITNESS: [Interpretation] Yes, that's correct.
2 JUDGE BONOMY: -- was at the instance of Serb authorities. Have I
3 misunderstood that?
4 THE WITNESS: [Interpretation] Now I'm clear about the situation.
5 Yes, this happened after I was called for the so-called
6 informative talk, for questioning. It was about -- it was either the 2nd
7 or the 3rd of October, 1997.
8 JUDGE BONOMY: Thank you.
9 Now, Ms. Moeller, perhaps you can help with something else. In
10 these various corrections that were made in this addendum, one of them
11 talks about sending a letter to various people. It starts with reference
12 to Rugova. Where does that fit into the statement?
13 MS. MOELLER: If I understand it correctly, it -- it relates to
14 after the meeting with the state security -- sorry --
15 JUDGE BONOMY: Well, if it's not clear to you, perhaps the witness
16 can help me.
17 MS. MOELLER: Yes.
18 JUDGE BONOMY: You at one stage sent a letter to various people,
19 including Rugova, Fehmi Agani, and Hill, and others. When was that?

20 THE WITNESS: [Interpretation] No, it's not like that. I only sent
21 a letter to Mr. Rugova.

22 JUDGE BONAMY: I'm sorry, it's my -- I have misread it. You're
23 quite right. Now, when was that?

24 THE WITNESS: [Interpretation] This was after the meeting that
25 occurred with Jovica Stanisic; it was mid-December. And we were trying --

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1 after what happened with the students, we were trying to start this
2 dialogue and not choose the path to war, because we saw what happened in
3 Bosnia and Croatia --

4 JUDGE BONAMY: [Previous translation continues] ... in your
5 statement. I'm just trying to get the complete picture and the order of
6 events is important here.

7 There then is reference to meeting Stanisic on a later occasion.
8 Was that in November 1998?

9 THE WITNESS: [Interpretation] No, it's a misunderstanding. I only
10 met Stanisic once, while a preliminary meeting to prepare these meetings
11 happened in Mr. Bakalli's apartment. I think it was two of his deputies,
12 Hadzic and Gajic. They were very fat.

13 JUDGE BONAMY: What was the date on which you met Stanisic? Just
14 roughly. I just need to know the month.

15 THE WITNESS: [Interpretation] 20th of December. It was before
16 Christmas.

17 JUDGE BONAMY: Which year?

18 THE WITNESS: [Interpretation] 1997.

19 JUDGE BONAMY: Yeah, so that's another correction that needs to be
20 made to the addendum which refers to these events as in 1998, but it
21 didn't tie in -- I mean, 1997 makes sense in the light of your overall
22 statement. Thank you.

23 THE WITNESS: [Interpretation] I only met this person once in 1997.

24 JUDGE BONAMY: Now, in the cross-examination by Milosevic you
25 referred to meeting his security service people three times; once in

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1 Bakalli's home, once in Brezovica, and another time when "they took me and
2 interrogated me."

3 Now, is that a reference to the first occasion when you were taken
4 in and this conversation took place?

5 THE WITNESS: [Interpretation] Yes. On the 2nd or 3rd of October
6 was the first time when they sent me this invitation for interrogation.
7 JUDGE BONAMY: [Previous translation continues] ... Thank you.
8 Bear in mind I'm just trying to get the timing of everything into order.
9 Well, I'm just -- finally back to the subject of the movement of
10 people, just so that we have a fairly accurate picture, the transcript
11 today indicated you saying at one stage that when you left -- this would
12 be on about the 2nd of April, that you left with hundreds of thousands of
13 people. Now, is that an accurate -- an accurate statement of the number?
14 THE WITNESS: [Interpretation] Correct.
15 JUDGE BONAMY: Hundreds of thousands?
16 THE WITNESS: [Interpretation] Let's say there were more than
17 100.000 in the group that I left with.
18 JUDGE BONAMY: Mr. Zecevic.
19 MR. ZECEVIC: Your Honour, we will proceed in the following order:
20 General Lukic, General Pavkovic, General Lazarevic, Mr. Milutinovic,
21 Mr. Sainovic, and General Ojdanic. But I believe it's the time for a
22 break.
23 JUDGE BONAMY: Oh -- no.
24 MR. ZECEVIC: Okay. Oh, I'm sorry.
25 MR. IVETIC: We still have seven minutes, I think, Your Honour.

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1 MR. ZECEVIC: Sorry.
2 MR. IVETIC: I'd appreciate to get started and at least get
3 something in before the break.
4 JUDGE BONAMY: Mr. Ivetic.
5 MR. IVETIC: Thank you, Your Honour.
6 Cross-examination by Mr. Ivetic:
7 Q. Hello, sir. My name is Dan Ivetic and I represent Mr. Sreten
8 Lukic in these proceedings. I hope to obtain your cooperation to make
9 this cross-examination move as efficiently as possible. Therefore, I
10 would just ask you to please pay close attention to my questions and then
11 try to give me the most honest and concise answer possible as we do have
12 time limitations, and we need to finish your testimony here today so that
13 you can travel.
14 Now, first of all, I have two questions regarding the statement
15 that was taken in 2001 by the Office of the Prosecutor. The statement

16 states that you were interviewed by Mr. Fred Abrahams of the Office of the
17 Prosecutor. Did Mr. Abrahams represent himself to you as an investigator
18 for the Office of the Prosecutor?

19 A. No. Somebody else was with Fred Abrahams, and he introduced
20 himself as -- as an investigator. I think his name was Jonathan Sutch, if
21 I'm not mistaken. He was together with Fred Abrahams.

22 Q. And did, in fact, Mr. Abrahams take an active role in questioning
23 you for purposes of preparing the written statement?

24 A. He asked some questions, yes.

25 Q. Okay. Now moving to the substance of your actual statement,

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1 you've just now clarified a few things for me. It would appear now that
2 all -- that both of the meetings that you had with state security, both
3 the one at Mr. Bakalli's home and the one at the villa in Brezovica both
4 occurred in 1997 rather than 1998. We're clear on that. Is that
5 accurate?

6 A. One was two or three weeks earlier than the other one. So the
7 first one was the preliminary meeting where we prepared the meeting, and
8 then the other one was in Brezovica with Stanisic.

9 Q. Okay. And just to be clear, with respect to these two meetings
10 that you attended, the Serb participants at these meetings were comprised
11 of members of the State Security Service, the RDB, exclusively. Is that
12 correct?

13 A. In Bakalli's house, two people introduced themselves as deputies
14 of Stanisic. Their names were Hadzic and Gajic. They were very fat, as I
15 told you, and that was all.

16 Q. And at the time you understood Mr. Stanisic to be the head of the
17 RDB, is that correct, the Drzavne Bezbednosti arm?

18 A. No, he was the chief. They told us that they were his deputies,
19 so their chief was Jovica Stanisic.

20 But if you would like to know, I interviewed 21 people who --
21 functionaries of this organisation and they told me that he was chief of
22 that organisation in Kosova.

23 Q. That was what I had asked you, so thank you for answering that.

24 Now, if we could focus first on the initial meeting that you had
25 at Mr. Bakalli's house. You mentioned an individual named Hadzic or

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1 Adzic. Have you since that time been able to determine who in fact this
2 individual was?

3 A. No, I never saw him again.

4 Q. Okay. Now, when you arrived for the second meeting with the Serb
5 representatives and you indicated certain individuals in plain clothes
6 asked you to accompany them to Brezovica, first of all did you recognise
7 or did you -- was it made known to you that these plain-clothes
8 individuals were state security personnel?

9 A. Yes.

10 Q. Okay. And did you and Mr. Bakalli leave voluntarily with them?

11 A. Of course. This was the last attempt to achieve peace, to create
12 a dialogue.

13 Q. Okay. Great. Now, when you arrived at your final destination at
14 Brezovica, the villa where you were taken to, was this villa well secured?

15 A. I only saw civilians dressed in very good coats. These were young
16 men, and they looked like twins. They looked all the same way. They were
17 outside, and then Jovica Stanisic welcomed us. I had created a completely
18 idea in my mind about him, but he was a pleasant person.

19 Q. Okay. These persons you said that were like twins, these
20 civilians, did you in fact -- were you told that these were also DB, state
21 security, personnel or did you come to that conclusion?

22 A. I did not say that. These were young men. They were standing so
23 straight, vertically. I think they were guards or they were Stanisic's
24 body-guards.

25 Q. Okay. Now, you indicate in your statement that Mr. Bakalli told

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1 you that he recognised this as being a government-owned villa. Did he, in
2 fact, explain further that he thought that this was a state security-owned
3 property?

4 A. I was told that during communist times that was used by the
5 then-communist government, and he knew that that was a government villa.
6 He did not tell me that it was a state security building. I had never
7 heard about that villa before.

8 Q. Okay. And at the time that you were present, did you -- could you
9 tell us -- did you form a belief that in fact all of the proceedings were
10 being recorded in some fashion; and if so, on what basis?

11 A. During the first meeting at Bakalli's house, I was taking notes,

12 writing down what was being said, while they, they were speaking without
13 taking any notes, without showing interest in our suggestions. That's why
14 I created this belief that in a way they were recording these discussions,
15 but in fact I did not know whether the discussion was being recorded or
16 not.

17 Q. Well, now I'm asking you to focus on the villa at Brezovica. Did
18 you in fact have any indications that that discussion, the discussions
19 that were being had there, were also being recorded by the members of the
20 state security apparatus?

21 A. Considering the fact that they said they would report to Milosevic
22 the following morning at 8.00, I believed that, yes, they did. But I
23 wasn't scared. I had my position, my offer, which in realistic terms was
24 not accepted, and the situation deteriorated and the war began.

25 MR. IVETIC: Your Honour.

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1 JUDGE BONOMY: Mr. Ivetic, is this a convenient time?

2 MR. IVETIC: It is, Your Honour.

3 JUDGE BONOMY: Mr. Haxhiu, we have to have a break now for 20
4 minutes or so. The usher will show you where you can wait during that
5 break, and we will resume in 20 minutes.

6 [The witness stands down]

7 JUDGE BONOMY: And that will be at five past 4.00.

8 --- Recess taken at 3.47 p.m.

9 --- On resuming at 4.07 p.m.

10 [The witness takes the stand]

11 JUDGE BONOMY: Mr. Ivetic.

12 MR. IVETIC: Thank you, Your Honour.

13 Q. Now, we left off, sir, talking about the meeting that you had at
14 Mount Brezovica with Mr. Bakalli and several representatives of Serb state
15 security agency. I'd like to, first of all, ask you -- we left off
16 talking about your understanding that the proceedings were being
17 memorialised or recorded in some way. Did you understand that all your
18 discussions, including those on the terrace, were being recorded, and when
19 you were on the terrace were all the other individuals, Stanisic, Gajic,
20 Bakalli, and Stijovic, all present?

21 A. Yes.

22 Q. And is that a yes to both of my questions? I asked a compound

23 question. First on the -- whether the talks that were held on the terrace
24 of the villa were being recorded and then we'll move on to the next part
25 of the question. So is that a yes as well?

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1 A. As to your first question, I already answered that. I said that
2 that was my belief because they didn't take any notes. And as for your
3 second question my answer is yes.

4 Q. Okay. And in fact, do you know, sir, that a Serbian paper,
5 Evropa, on 12 January 2006 published a transcript of some of the
6 discussions that were held at the villa in Mount Brezovica in 1997. Are
7 you aware of that?

8 A. I did not read it.

9 Q. All right. Then we'll move on.

10 Now, first of all, as far as your personal interaction with
11 Mr. Stanisic is concerned, from the statement I see that the gentleman you
12 identify as Mr. Stijovic was also always present with you. Is that right?

13 A. Yes. He was present and he was sitting next to Stanisic.

14 Q. Okay. So Mr. Stijovic was actively following the conversation
15 that you had with Mr. Stanisic at that time. Is that correct?

16 A. Yes. Mr. Stijovic was following only the part of the talks that
17 dealt with the students' demonstrations and the intervention, but not the
18 rest of the talks.

19 Q. Okay. So he just was there for that part of it. And just to be
20 clear, you recognised Mr. Stijovic from before. Is that correct?

21 A. He was a citizen of Pristina. He was a member of the socialist
22 youth association in Pristina. He was a well-known figure in Pristina.

23 Q. Okay. Now, at the top of page 9 of your statement you describe
24 how you asked Stanisic about the student protests in October, and now
25 we're clear that this is October of 1997. And you told -- you told us

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1 today that he told you that someone named Lukic had been behind the police
2 intervention. Did Mr. Stanisic mention the full name of this Mr. Lukic or
3 did he perhaps use a nickname?

4 A. My question was the following: Why did you intervene at the
5 students' demonstration when you know the importance of this
6 demonstration? And he said - and I'm quoting him - "We had a conflict."
7 This is what Mr. Stanisic said. "We had a conflict with the people of

8 public security."

9 He did not mention Mr. Sreten Lukic. He said Mr. Lukic, who did
10 not share our opinion, and he was in favour of intervention.

11 Q. And just so we can be clear, today you testified that in fact this
12 Mr. Lukic was described to you as being the chief of the public security
13 department. Is that accurate?

14 A. Yes.

15 Q. And was this Mr. Lukic described by Mr. Stanisic at that time, in
16 1997, as being the chief of the public security department?

17 A. To tell you the truth, this part of the conversation was not that
18 important. We didn't reach a consensus for important issues for our
19 future. I brought up this issue only to point out that there was
20 intervention. The essence of our conversation was not the intervention at
21 these demonstrations. It was part of the talks that we held, and in this
22 context he mentioned Mr. Lukic.

23 Q. All right. Well, I have just a few more questions about Mr. Lukic
24 and then I'll move on to another topic.

25 Now, first of all, in your statement you state that at that time

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1 you had no idea whatsoever who Mr. Lukic was. Did you at any point in
2 time determine the position held by Mr. Lukic in 1997, specifically
3 November and October of 1997, the time when you had your discussions with
4 Mr. Stanisic?

5 A. I heard of Mr. Lukic only when he was accused by The Hague
6 Tribunal and when I saw his photograph. I did not hear of him before.

7 Q. So you actually did not hear of him in -- any time in 1998 or
8 1999. Is that accurate?

9 A. I was not preoccupied with individuals; rather, with the regime,
10 and Milosevic represented that regime. Therefore, I was not interested in
11 the names of his, Milosevic's, people.

12 Q. All right, sir. Are you aware of the fact or have you since
13 become aware of the fact that during that time-period, October and
14 November of 1997, Sreten Lukic was in fact not in any command from the --
15 was not in any command position relative to the MUP of the Republic of
16 Serbia, but in fact was just an assistant police chief in the local city
17 level SUP in a part of Belgrade and was nowhere near Kosovo and Metohija?

18 A. I already told you what Stanisic told me. I do not know to which

19 Lukic he referred. I know only that he mentioned Lukic and
20 Javne Bezbednost, public security. If you ask me about this person, I
21 really don't know who he is. I only told you what his statement was and
22 who gave the order for the intervention.
23 Q. And you also stated that this Lukic was the chief of public
24 security. Are you aware of the fact that Mr. Sreten Lukic did not become
25 the chief of public security until January of 2001, coincidentally a few

Page 6109

1 months before you gave your statement to the Office of the Prosecutor?
2 A. I never said that Mr. Lukic was chief of public security. I only
3 interpreted Stanisic's sentence.
4 Q. Okay. So is it your testimony here today that you don't know for
5 a fact that the individual mentioned by Mr. Stanisic was represented to be
6 Sreten Lukic, the man sitting at these proceedings and named in the
7 indictment of the Office of the Prosecutor?
8 A. I already stated that in my statement I only mentioned the last
9 name Lukic. Later on it coincided with Sreten Lukic, but at that
10 particular meeting the name Sreten Lukic did not come up.
11 JUDGE BONOMY: Mr. Ivetic, what does the published transcript in
12 Evropa say?
13 MR. IVETIC: Well, Your Honours, it's completely devoid of any --
14 of this conversation.
15 JUDGE BONOMY: Thank you.
16 MR. IVETIC: If Your Honours are interested, we have it scanned in
17 the system and we have disclosed it --
18 JUDGE BONOMY: No, I'm curious that it was raised and then nothing
19 came of it, and I therefore was curious whether anything about this aspect
20 of the conversation might have appeared in it.
21 MR. IVETIC: It does not.
22 JUDGE BONOMY: Thank you.
23 MR. IVETIC:

24 Q. Now, if we could turn for a moment to the student protest that
25 occurred in 1997. During -- you indicated that the protests were

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1 announced publicly. Do you know whether in fact these protests followed
2 the public law that was in effect at the time, that all protests had to
3 apply at the -- all planned protesters had to apply to the police and give

4 them specific notice of the extent of the protest, where the protest was
5 going to be located, and what types of -- what numbers of persons were
6 expected for the protest? Do you know whether the organisers of the
7 student protest indeed followed those prerequisites of the law?

8 A. This applies to a system where a law is abided by. At that time
9 the system did not respect laws and regulations. It did not recognise any
10 protest and did not recognise any appeal for protest. That's why the
11 organisers found the only way to inform them about the root of the
12 protesters only through the media. The Serb regime did not accept any
13 offer for protest at that time.

14 Q. Were there any simultaneous protests at the same location being
15 staged by Serbian students on the same day, as the Albanian student
16 protests in October of 1997?

17 A. Protests by Serb students? Well, there was no need for them to
18 protest. They enjoyed maximum security. They had a secure future. In a
19 sense of their representation in the state and state's care for every Serb
20 individual and student, something that the Albanians -- Albanian
21 individuals and students lacked.

22 Q. Sir, I'm asking you was there in fact a counter-protest on the
23 same day, in the same location as the Albanian students' protest that you
24 have described, a counter-protest staged by Serb students?

25 A. There were no protests by Serb students.

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1 Q. Did the -- strike that.

2 The police forces did not intervene at all in the second protest
3 that was held some 15 days later in early November of 1997, did they?

4 A. They gave the protesters 40 minutes for the protests. The entire
5 neighbourhood was encircled by the police, and once this deadline passed,
6 the police went in the direction of the protesters and they abandoned the
7 neighbourhood. We are speaking now of the protest that occurred on the
8 30th of October.

9 Q. Now, with respect to that protest you say that the police gave 40
10 minutes. They gave 40 minutes when the organisers of that protest came,
11 followed the law, and advised the police of the protest, and applied for a
12 permit for the protest. Isn't that correct? Something they hadn't done
13 for the prior protest.

14 A. As a matter of fact, when they saw the development of the

15 situation after the first protest, they behaved as they did during the
16 second time. But unfortunately young students had already started to go
17 to the mountains, and it was too late for a correction on their part. You
18 have to take into consideration the political context. The political
19 context of the 1st October is a question of peace or war. To me, the war
20 began on the 1st of October, and everything that was done a month later
21 was in vain because nobody believed any longer in peace.

22 Q. All right. Well, I'm almost done with the student protests and I
23 can move on. I just now have found the statement I was looking for.
24 Your statement given to the Office of the Prosecutor in August of
25 2001 does not simply state Mr. Lukic was behind breaking up the

Page 6112

1 demonstrations. On page 9, the first full paragraph it specifically
2 says: "Sreten Lukic had convinced Milosevic to break up the
3 demonstrations with force. At the time I did not know who Sreten Lukic
4 was."

5 Since you have now testified that the name Sreten Lukic was not
6 used by Mr. Stanisic, how did this name come to be inserted in your
7 witness statement given to the Office of the Prosecutor in 2001? Was it
8 suggested by Mr. Abrahams or the other OTP investigator present?

9 A. I'm not a person who can be influenced that easy. It's a
10 political context. It's about people who were accused by The Hague
11 Tribunal. I did not know any other Lukic from public security except for
12 Sreten Lukic, and that's why it was logical to mention the name Sreten
13 Lukic. I think I'm very clear in my statement that -- regarding what was
14 said during that meeting.

15 Q. Mr. Haxhiu, this is quite confusing for me. The indictment
16 against Mr. Sreten Lukic came out two years after you gave your statement.
17 So how could the indictment have been the basis for you inserting "Sreten
18 Lukic" into your witness statement given to the Office of the Prosecutor
19 in August of 2001? Please help me.

20 A. I abide by what I've already said. The name "Sreten" was inserted
21 on the basis of the political context and on basis of what was confirmed
22 later for a person who was part of the police.

23 During the meeting with Stanisic the name "Sreten" was not
24 mentioned; only "Lukic" was mentioned as a person who worked in public
25 security and as a person who convinced Milosevic that intervention was

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1 necessary. This was all that was spoken about regarding the events of the
2 1st October during these talks that we had about the future of Kosova.

3 Q. All right. Well, I've exhausted that area and I would like to now
4 move to what you testified about in 1998.

5 During the time-period of 1998, specifically when you talked about
6 visiting Malisevo and the Berisa mountains, on those occasions you served
7 as a translator for several OSCE and western officials. Isn't that
8 correct?

9 A. Yes. But in fact I went there to listen to the opinion of the KLA
10 in a time of crisis that dominated Kosova at that time, and I thought that
11 the influence of the media could make the situation easier. It was an
12 attempt to convince the KLA to start a protest --

13 THE INTERPRETER: Correction.

14 THE WITNESS: [Interpretation] -- a process that would lead to
15 dialogue.

16 MR. IVETIC:

17 Q. All right. Now, just so we're on the same page, the officials I'm
18 talking about are Jan Kickert, Albert Rohan, and Wolfgang Petritsch. Do
19 you recall going first of all in July of 1998 and then also thereafter
20 with some of these individuals and translating for them what the KLA
21 fighters were saying?

22 A. You're talking about another meeting and I'm talking about quite
23 another meeting. The meeting in July 1998 was a meeting between
24 Petritsch, Kickert, and a KLA representative. Mr. Johan Petritsch [as
25 interpreted] and Jan Kickert, they had gone to Malisheve to see the

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1 situation with the refugees in Malisheve. And on the way this meeting was
2 held, and this meeting was not longer than 15 or 20 minutes.

3 Q. That's the meeting I want to talk about for the moment. Now,
4 isn't it correct, as you told the Office of the Prosecutor on November
5 the 7th, 2006, in your proofing session, that in fact during this meeting
6 you purposely mistranslated what the KLA members were saying to try and
7 make a more reasonable version, to kind of tone down the extremist
8 rhetoric of the KLA to make it palpable to the western officials that were
9 present, including Mr. Petritsch and Mr. Kickert.

10 A. To tell you the truth, I thought these were empty words. This was

11 something untranslatable, and since this was not like a regular meeting, I
12 didn't want them to get the wrong impression about people in uniform. I
13 didn't want to be part of something that I didn't like; that's why I
14 mistranslated.

15 Q. So you changed the truth of what these people were saying and
16 toned it down?

17 A. No. I refused for something that was accidental to become a rule
18 and to get that important.

19 Q. Okay. This meeting was not the only time that you mistranslated
20 what members of the KLA wanted to tell western observers, is it? You also
21 did that once more to Ambassador Petritsch, who even asked you why the
22 translation -- why the translation was so much shorter than the original
23 Albanian version of what had been said. Isn't that correct? Again, as
24 you told the Office of the Prosecutor just the other day.

25 A. No, that's not correct. It refers to the same event. We are

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1 speaking about the same event. I never translated differently from what
2 was said on another occasion.

3 Q. So you only misrepresented the truth on one occasion. Is that
4 correct? That's your testimony?

5 A. I already told you that we are speaking about the same events.
6 You have mixed up the events. During this meeting, it was Johan Petritsch
7 and Jan Kickert that were present. We are not speaking of a different
8 event here but about the same.

9 Q. So my question to you was: You only misrepresented the truth on
10 this one occasion?

11 JUDGE BONOMY: Let's move on to another question, Mr. Ivetic. You
12 have your answer.

13 MR. IVETIC: All right.

14 Q. Now, if we want to talk about Rahovec/Orahovac in June 1998,
15 specifically prior to June 1998, isn't it a fact and don't you have
16 knowledge of the fact that the UCK/KLA engaged in a huge offensive in the
17 city of Orahovac in July of 1998, just prior to you being in Malisevo and
18 the Berisa hills, in which the UCK attacked and almost took over the
19 police station, keeping it under fire and surrounded for two days before
20 reinforcements could arrive, and in fact took over the health centre and
21 other main buildings in Orahovac town itself?

22 A. This is your interpretation. I did not see them take over
23 Rahovec. I know that the offensive took place and as a consequence of
24 this offensive there were hundreds of thousands of refugees. The Serb
25 regime and police knew exactly how many refugees were in Malisheve and

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1 what was the risk of intervention in Malisheve and Rahovec.
2 And don't forget that during that intervention on the right side
3 of the road Pristina-Peje, all the houses were burnt down; and on the
4 other side, during this intervention, the entire population was sent to
5 the mountains. We are speaking here of a very difficult situation.
6 JUDGE BONAMY: Does that mean, Mr. Haxhiu, that in July 1998 the
7 KLA did not try to secure any part of Orahovac?
8 THE WITNESS: [Interpretation] Your Honour, the KLA did not have
9 the power to capture Rahovec.
10 JUDGE BONAMY: That could well be true, but did they try was the
11 question you were being asked.
12 THE WITNESS: [Interpretation] I cannot witness to that here
13 because I was not present there. This was the interpretation of the
14 police and the army at the time, but if they attempted to take Rahovec --
15 to take over Rahovec, that was a mistake because they knew how many
16 refugees were there in Malisheve and they would be at risk. I think that
17 was something that was staged. The KLA did not have the power to take
18 over Rahovec.
19 JUDGE BONAMY: Thank you.
20 Mr. Ivetic.
21 MR. IVETIC: Thank you.
22 Q. You say that's an interpretation of the police. Let me ask you a
23 question based upon what Mr. Fred Abrahams testified to here before this
24 Tribunal that occurred in Orahovac at exactly the precise same moment. He
25 says that the KLA kidnapped 80 Serb civilians at once as part of this

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1 offensive. Do you have knowledge of that, if in fact the UCK was not
2 capable of undertaking such an action?
3 A. You have to ask Fred Abrahams about that. I don't know.
4 Q. I did. That's what he told me. Does that change your lay opinion
5 as to whether the UCK in the area was capable of undertaking such an
6 action?

7 A. I am convinced that the KLA was not able to capture a town; I am
8 very sure about this.

9 Q. Okay. Now -- now, at some point in time -- strike that.

10 Let me just ask some questions - here we are - relating to

11 Pristina. Now, you testified as to the offices of Koha Ditore being
12 broken into, et cetera, on -- I believe you said the day of the NATO
13 bombings. Just to be clear, you were not present to eye-witness what
14 occurred at the offices of Koha Ditore on that day, were you?

15 A. I'm glad you asked me. Our guard was killed that day inside the
16 building by the police, and he was thrown outside in front of the gate of
17 Koha Ditore. And I carry the guilt for his death because I ordered him to
18 stay on duty there that night. I never thought that that crime would be
19 committed, and there is no stronger evidence for that than the killing of
20 that guard.

21 Q. Could you please answer my question, sir. You were not present
22 and therefore did not eye-witness any of the events at the offices of
23 Koha Ditore on the 24th of March, 1999; you were in a separate part of
24 town. Isn't that correct?

25 A. That's correct. But I told you that the guard was killed and

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1 there is no stronger evidence.

2 Q. Now, you indicated that you left -- that you left with these other
3 refugees that left. Now, what specifically were you told that made you
4 leave that day?

5 A. I was not told anything personally. I was amongst thousands of
6 people who left at the order of those people in green clothes.

7 Q. Now, I want to ask you just a couple more questions about this
8 event, and in particular these people in green clothes. Did you in fact
9 see any emblems or insignia on these uniforms that these people were
10 wearing?

11 A. No. The only thing I could distinguish them by was the local Serb
12 language they used, the Kosovar Serb language.

13 Q. All right. Great. Now I'd like to ask you another question
14 relating to this. Is it correct, as you told the Office of the Prosecutor
15 during your proofing session of November the 7th, 2006, that on that day
16 when you were out on the street with these men in green uniforms, you did
17 not see any persons in blue police uniforms on that day interacting with

18 these individuals in the green uniforms. Isn't that correct?

19 A. They were not present in the act of expulsion, but they were

20 positioned at every junction. So they were preventing the entrance of

21 people and people getting out. So they were participants, because they

22 were guarding the junctions. But, however, as I told you, the expulsion

23 was carried out by the people in green clothes, in green uniforms.

24 Q. You say the police were at junctions. Did any -- did you approach

25 any of these police to speak with them and did they tell you anything?

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1 A. I like your cynicism. How can you imagine I could go and approach

2 someone who wants to kill you?

3 Q. None of these individuals said that they were going to kill you,

4 did they?

5 A. These things don't need to be said; they can be seen. The

6 armoured vehicles, the arms, the guns, the masks, and the helmet speak for

7 themselves.

8 Q. At that time there was a war going on with NATO aircraft bombing

9 Pristina every day, wasn't there?

10 A. Yes.

11 MR. IVETIC: No further questions, Your Honour.

12 Q. Thank you, Mr. Haxhiu.

13 A. Thank you.

14 JUDGE BONAMY: Mr. Ackerman.

15 MR. ALEKSIC: [Interpretation] Thank you, Your Honour. We have no

16 questions for this witness.

17 JUDGE BONAMY: Oh, sorry, Mr. Aleksic.

18 Mr. Cepic.

19 MR. CEPIC: Yeah, it's my turn. Thank you, Your Honour.

20 Cross-examination by Mr. Cepic:

21 Q. [Interpretation] Good afternoon, Mr. Haxhiu. My name is Djuro

22 Cepic, and I'm one of the lawyers representing Mr. Lazarevic. I would

23 like to ask you a few questions.

24 Mr. Haxhiu, you're from Pristina. Is that correct?

25 A. Yes.

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1 Q. And you know where the OTP office in Pristina is located; I mean

2 you know that it's there, right?

3 A. You mean the Tribunal?

4 Q. Yes, yes -- no, I mean the Prosecutor's -- the office of the
5 Office of the Prosecutor of the ICTY, do you know where it is located in
6 Pristina? That's what I'm asking you.

7 A. Yes, yes, in Pristina, I do.

8 Q. That's where you gave your statement on the 20th, 21st, and 22nd
9 of August, 2001. Is that correct?

10 A. Part of the first statement was given at my home; the other one
11 was given in Koha Ditore. And that time, in fact, I only confirmed that
12 the statement was correct. I was interviewed at home and at the offices
13 of Koha Ditore, and in fact there I only read what I had said before.

14 Q. Thank you. And then you signed the statement and you accepted it
15 as your statement in its entirety. Is that correct?

16 A. Yes. Because I wanted to see it in a written form because in --
17 the interview was carried out orally and recorded.

18 Q. Thank you. On the 22nd of May, 2002, you provided an addendum to
19 the statement, that would be one day before you testified in the Slobodan
20 Milosevic trial. Is that correct?

21 A. Yes, that's correct.

22 Q. You signed it and you accepted it as your statement in its
23 entirety. Is that correct?

24 A. Yes, correct.

25 Q. Mr. Haxhiu, in all those documents, you never mentioned that you

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1 had been expelled. You never mentioned that the expulsion had been
2 carried out by paramilitaries wearing green uniforms, yet here you are
3 telling us all this today. Mr. Haxhiu, why did you change your testimony
4 today? Did anyone persuade you that you should make a statement that is
5 different to what you said in other statements? Let me just read what it
6 says in the addendum -- page 2.

7 JUDGE BONOMY: Well, hold on.

8 Ms. Moeller.

9 MS. MOELLER: I don't think it is proper to hold to the witness
10 that he changes his testimony; he just added to it.

11 JUDGE BONOMY: What's the basis for suggesting a change in
12 testimony, Mr. Cepic?

13 MR. CEPIC: [Interpretation] If you allow me to read an excerpt

14 from the addendum, paragraph 3, page 2, it's in English where it says:
15 "[In English] ... on the 2nd April 1999 and went to Macedonia, where I
16 continued to publish Koha Ditore. During April after I had left Kosovo,"
17 et cetera, et cetera, et cetera.
18 [Interpretation] So he never mentioned the expulsion, he never
19 mentioned who actually performed the expulsion; he merely says he left
20 Kosovo.
21 JUDGE BONOMY: Well, you can ask that question, why he did not
22 mention the expulsion.
23 MR. CEPIC: [Interpretation] That's precisely what I'm asking, Your
24 Honour, if you allow me.
25 JUDGE BONOMY: That's a different question from saying: Why did

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1 you change your testimony, which is what was objected to and I would
2 sustain the objection to that. That doesn't -- isn't an accurate
3 characterisation of the evidence. But to ask him the question that you've
4 now asked is perfectly okay, why did he not mention the expulsion, so you
5 can ask that question, but it's an entirely different question from the
6 one you were trying to ask.
7 MR. CEPIC: [Interpretation] Thank you, Your Honour, but I saw the
8 distinction between the words "left" and "was expelled." So in the
9 addendum it is stated explicitly that he left Kosovo, yet today he's
10 saying that he was expelled. But I thank you very much for your
11 correction and your instruction as to how to word my question.
12 Q. So, Mr. Haxhiu, could you please answer my question. Why this
13 change in your testimony -- your statement?
14 MS. MOELLER: Your Honours, I object --
15 MR. CEPIC: That's my mistake --
16 THE WITNESS: [Interpretation] I'm sorry --
17 JUDGE BONOMY: I'm sure the witness is now capable of answering
18 the correct question.
19 Carry on, please, Mr. Haxhiu.
20 THE WITNESS: [Interpretation] I'm sorry for this semantic mistake
21 that I made. I am saying now that I did not leave but I was expelled. I
22 thought that would be self-explanatory. If I leave with 100.000 other
23 people, this was not out of our own will. We were expelled. And if I
24 made this mistake, I correct it now. We were expelled.

25 JUDGE BONOMY: Mr. Haxhiu, the statement doesn't mention 100.000

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1 people either, so that really doesn't explain it.

2 Are you able to say why you didn't go into the detail of

3 leaving -- of the circumstances in which you left Kosovo when you were

4 giving these statements?

5 THE WITNESS: [Interpretation] Well, to tell you the truth,

6 The Hague Tribunal investigators did not ask me. Well, yesterday while

7 talking with members of the Prosecution, I explained it in -- just in

8 passing, just by accident. That's why it appears in the statement. This

9 part of the statement was entered into the statement after I met the

10 members of the Prosecution yesterday. I'm not denying anything that I

11 said in the previous statement; it's just that both are correct.

12 JUDGE BONOMY: Mr. Cepic.

13 MR. CEPIC: [Interpretation] Thank you, Your Honour. I still have

14 my habits from my judicial system, but at any rate I will now continue my

15 examination.

16 Q. This figure that you mentioned, the 100.000 people, you mentioned

17 it on page 5429 you described the -- your stay at the mountain near

18 Malisevo in May 1998, yet in the trial of Mr. Milosevic and in the

19 statements you never mentioned any refugees and let alone the figure of

20 100.000 people.

21 So again, the same question: Is this again a grammatical, or

22 rather, a semantic error or is it something else perhaps?

23 A. I was not asked then. And today I was asked and I told you what

24 the situation was like. While I testified here in the Milosevic trial, he

25 did not ask me these questions. And when the Prosecution asked me today,

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1 I explained what the situation was. It's very simple.

2 Q. And in all those years, for well now seven years, you lived in

3 Pristina, you know where the Office of the Prosecutor's office is located,

4 and you never thought that it would be good to go there, and you never

5 make this correction and you wait until today to present some new facts

6 and new details that you have never ever mentioned before. So this what

7 you're trying to say now, is this your evidence today?

8 JUDGE BONOMY: Yes, Ms. Moeller.

9 MS. MOELLER: I object again to the word "correction," because

10 it's additions but it does not corrections in my submission.

11 JUDGE BONOMY: Mr. Cepic, this is an unproductive furrow that

12 you're ploughing at the moment. The investigation of these matters is in

13 the hands of the Prosecution. I don't think in a situation like this it's

14 for us to be investigating the circumstances in which information of this

15 nature emerges in the course of the investigation. There will be

16 circumstances where that is appropriate, but not here. I think you should

17 move to something else.

18 MR. CEPIC: [Interpretation] I've actually completed my

19 cross-examination. Thank you, Your Honour.

20 Q. And thank you, Mr. Haxhiu.

21 JUDGE BONOMY: Thank you, Mr. Cepic.

22 Mr. Zecevic.

23 MR. ZECEVIC: I believe it's my turn.

24 JUDGE BONOMY: Yes.

25 Cross-examination by Mr. Zecevic:

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1 Q. [Interpretation] Mr. Haxhiu, just a few questions.

2 In 1999, you were the editor-in-chief of Koha Ditore?

3 A. Yes.

4 Q. I assume that in light of this function you are familiar with the

5 information act of the Republic of Serbia passed in October 1998?

6 A. Yes, because it came by post to our office and all the other

7 newspapers offices, but I thought it was the worst possible media act.

8 [In English] We have a man who did this law.

9 MR. FILA: [Interpretation] [Microphone not activated].

10 THE INTERPRETER: Interpreter's apologies. We don't have a

11 microphone.

12 JUDGE BONOMY: Yeah, let's confine the comments in court to the

13 examiner and the witness, and if there is a formal intervention to be

14 made, then please draw my attention to that by switching on the

15 microphone.

16 Mr. Zecevic.

17 MR. ZECEVIC: [Interpretation] Thank you, Your Honour.

18 Q. Mr. Haxhiu, you remember that even in Serbia that act was

19 criticised in public precisely because of the fact that it envisaged some

20 Draconian punishment, forms of punishment, and provided very short

21 deadlines for the proceedings before courts and for the actual enforcement
22 of fines. Do you remember that?
23 A. Yes. There was only one case, the case of the chief editor of
24 Blits newspaper. He was also convicted and then eliminated. But this
25 happened to Koha Ditore as well. There was only a procedure that occurred

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1 in two days only. This happened to me personally as well with
2 Koha Ditore. But you know who am I talking about, of course, don't you?
3 Q. [In English] I don't know.
4 [Interpretation] I actually wanted to ask you: Do you recall that
5 in accordance with this act, the information act, the investigating judge
6 or, in fact, the misdemeanour judge was duty-bound to make the decision on
7 any violations of the law within 24 hours? So within 24 hours of the
8 publication of the information that was deemed to be in violation of it.
9 A. And you think they could do this on a Sunday?
10 Q. I merely asked you whether you remember that the deadline for the
11 ruling by the misdemeanour judge was just 24 hours, no more than that.
12 A. I was convicted on a Sunday, but what you said is correct.
13 Q. Thank you. Do you remember that the deadline for the enforcement
14 of the fine imposed by the judge was, again, just 24 hours from the date
15 of the ruling?
16 A. I did not have time to do that because the bombing started. We
17 had the decision to pay the fine or otherwise the newspaper would be
18 closed down and I would be imprisoned, but there was no time to do that
19 because the bombing started.
20 We had 48 hours at disposal, as distinguished by -- from other
21 cases that had only 24 hours to do that. But there have been only two
22 cases, one in Belgrade and one in Pristina.
23 Q. Well, you obviously have privileged status here. Do you know that
24 the law envisaged that if the fine is not paid within 24 hours that it
25 would be collected in -- by confiscating property and so on?

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1 A. I did not have time to think about that. The bombing started.
2 It -- tragic and comic at the same time as a matter of fact.
3 JUDGE CHOWHAN: I'm sorry to intervene.
4 MR. ZECEVIC: Yes, Your Honour.
5 JUDGE CHOWHAN: Whenever there's a cut-off date for a certain

6 thing and a holiday intervenes, automatically the thing will go on the
7 other day, that is the law perhaps in a civilised world, not a 24 hours
8 are to be interpreted that way if it's a holiday, I mean because this is
9 being confused and we are listening to that.

10 Thank you.

11 MR. ZECEVIC: Well, I don't know, Your Honour. I can give you an
12 explanation. I don't know if I can solicit that from the witness at this
13 point. I'm just asking if he remembers that time.

14 JUDGE CHOWHAN: [Microphone not activated].

15 MR. ZECEVIC: I wouldn't --

16 [Trial Chamber confers]

17 JUDGE BONOMY: Mr. Zecevic, maybe you can assist us --

18 MR. ZECEVIC: Yes.

19 JUDGE BONOMY: -- in explaining whether criminal proceedings at
20 that time would normally take place on a Sunday in any part of Serbia.

21 MR. ZECEVIC: Well, Your Honour, according to the law on
22 misdemeanours, there was a duty judge who was at all times on duty. So
23 therefore, it didn't matter if it was Saturday, Sunday, or any -- or
24 public holiday, whatever. So you had a duty judge for the misdemeanours,
25 in the misdemeanours court.

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1 So therefore, this is not the part of the criminal law. This is
2 actually a part of the law on informations. The informations act had
3 within itself a certain criminal provisions and the fines which are to be
4 imposed on the -- on the newspapers or editors-in-chief who were not
5 obliged by the actual law.

6 JUDGE BONOMY: Can you give us an example of another type of
7 misdemeanour for which action would be taken so expeditiously?

8 MR. ZECEVIC: Well, whichever kind of break of the laws on public
9 order, for example, if somebody would break the window in the middle of
10 the night, I don't know, of a shop, not stealing anything, which would be
11 a criminal offence, but something like that or, I don't know, start to
12 demonstrate -- demonstrating in some way. That would be -- that would be
13 considered as a misdemeanour and then he would be taken to the duty judge
14 by the police. That's the -- that's the rules of the procedure.

15 JUDGE BONOMY: All right. Thank you.

16 MS. MOELLER: Your Honour --

17 MR. ZECEVIC: Now, the football games. I mean, my learned
18 colleague Mr. Fila is giving a perfect example. The football games, the
19 football hooligans, that would be the kind of the situation, which usually
20 happens on Sundays.
21 JUDGE BONOMY: Thank you.
22 Yes, Ms. Moeller.

23 MS. MOELLER: Your Honour, if you consider this to be evidence we
24 would like to see some proof on that because we don't understand the law
25 on information necessarily like that and it's not what the witness said.

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1 I understand him saying that there was a full trial on the Sunday, which
2 is quite different from bringing someone in front of the duty judge,
3 something we also have in my system, but this is not the same as a trial
4 which is followed by a conviction next day. And if the Defence claims
5 that this was a normal procedure, then I would like to see some evidence
6 on that, if you consider what Mr. Zecevic said evidence.
7 JUDGE BONOMY: Well, I am not treating this as evidence at the
8 moment. I'm looking for guidance on the situation to help us investigate
9 it, but it seems to me it's the duty of the Prosecution to prove that this
10 was not normal practice. It's not for the Defence to prove that it was
11 normal practice. The onus of proof is on the Prosecution here, so it's
12 matter for you. But all we have is the witness saying what happened to
13 him at the moment, which sounds unusual, but you would have to prove that
14 it was contrary to law, I think.
15 Anyway, carry on, please, with the cross-examination.
16 MR. ZECEVIC: Thank you, Your Honours.

17 Q. [Interpretation] Mr. Haxhiu, I have just one question related to
18 this issue. You reminded me of a case of the editor-in-chief of the Blits
19 magazine. Do you maybe recall the case of Dnevni Telegraf paper?
20 A. In fact, I meant Dnevni Telegraf and not Blits. I need to make
21 that correction. Well, I meant -- yes. What I meant was Dnevni Telegraf
22 and not Blits. Blits had just started to be published at that time.
23 Q. Dnevni Telegraf was a Belgrade daily. Is that correct?
24 A. It was a very courageous newspaper. [In English] With the courage
25 people.

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1 JUDGE BONOMY: I would like to correct one thing on the

2 transcript, before it moves out of sight, on page 60, line 14,. I should
3 have said if I didn't that it's not for the Defence to prove that it was
4 normal practice. The word "not" should not be there.

5 Thank you. Carry on, please, Mr. Zecevic.

6 MR. ZECEVIC: Thank you, Your Honour.

7 Q. [Interpretation] Is it not true that Dnevni Telegraph was a
8 Belgrade daily, published in Belgrade?

9 A. Those who were against Milosevic and his regime, it's not
10 important whether they were Serb or Albanians. Dnevni Telegraf, to tell
11 you the truth, was a very courageous newspaper that had very courageous
12 journalists.

13 I don't understand your question. If you want to divide Albanians
14 from Serbs, both people who were against Milosevic, then you can do that.
15 But what I can say here is that there were courageous people at the time,
16 both Serb and Albanian, and there are courageous people now. I don't
17 understand the thrust of your question.

18 Q. It appears that there has been a misunderstanding. All I asked
19 you is whether you know that Dnevni Telegraf was a Belgrade daily, that
20 their offices were in Belgrade. I just asked you whether you know that,
21 yes or no. I did not intend to make any distinction between anyone. This
22 was just a very, very simple question.

23 A. I know Belgrade, I know where the offices are, and I know what is
24 this about.

25 Q. In your examination-in-chief, I think it was page 20, lines 3

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1 to 5, you spoke about this when you said that you had known about a case
2 in Belgrade and that it had involved some courageous people. I assume
3 that you were talking about this very case, and you say that this was in
4 fact almost identical to what happened to Koha Ditore. Is that correct?

5 A. What happened to Dnevni Telegraf happened just a few days before
6 it happened to Koha Ditore. It was only a few days before.

7 Q. Precisely. And their property was confiscated in precisely the
8 same way because they failed to pay the fine within 24 hours of receiving
9 the ruling. Do you remember that?

10 A. That is not correct. The procedure lasted for a couple of days.
11 There was appeals, but the confiscation started a week later, 10 to 12
12 days.

13 Q. Thank you, Mr. Haxhiu.

14 MR. ZECEVIC: No further questions. Thank you very much.

15 JUDGE BONOMY: Thank you, Mr. Zecevic.

16 Mr. Fila.

17 MR. FILA: [Microphone not activated].

18 THE INTERPRETER: Microphone for the Defence counsel.

19 Cross-examination by Mr. Fila:

20 Q. [Interpretation] I'm representing Nikola Sainovic, and my name is

21 Toma Fila.

22 And just to help clarify this issue. We both know that the

23 regular court was in Pristina, where the district court was, where the

24 Supreme Court was. You were taken before the misdemeanour judge, and our

25 mutual friend --

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1 THE INTERPRETER: Interpreters didn't get the name.

2 MR. FILA: [Interpretation]

3 Q. -- defended you there. Is that correct? Bajram Kelmendi. I know

4 that you -- he was your friend, Mr. Surroi's friend, my friend, and my

5 father's friend. He was a good man.

6 A. Can I take this off, please?

7 Q. Yes, it will be easier for the two of us to communicate this way.

8 So Bajram defended you before a misdemeanour judge. Is that

9 correct?

10 A. Yes.

11 Q. And the questions about Sun -- the court sitting on Sunday, we can

12 both agree that a regular court does not sit on Sunday?

13 A. Yes.

14 Q. And this -- I will agree with you that the law under which you

15 were punished was not worth anything at all. I think we can all agree

16 on --

17 A. Yes.

18 Q. Now I would like to move on to another topic.

19 As a journalist, you know that in the Grand Hotel in Pristina in

20 1998, and I believe also in 1999, all the way up to the war there had been

21 some kind of a media centre because press conferences were held there and

22 all that, foreign reporters would go there, Serbs?

23 A. Yes.

24 JUDGE BONOMY: One of the difficulties we're going to encounter
25 here is the rapidity of the responses. There needs to be a time lapse

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1 between the end of the question and the beginning of the answer, where
2 you're both speaking in the same -- well, you're not speaking the same
3 language, but where you're listening, albeit responding in your own
4 language, you're not waiting for the interpretation. So you need to bear
5 in mind that you have to pause.

6 Mr. Fila.

7 MR. FILA: [Interpretation]

8 Q. We know that the media centre was there. Are you sure you were
9 able to see Arkan among the journalists there? Trust me, he was in
10 Belgrade, a picture of him in the Hyatt was taken at the time.

11 A. To tell you the truth, Arkan had made reservations in the entire
12 flat of the hotel, and we did see Arkan at Grand Hotel, unfortunately.
13 His arrogance could be seen, was obvious, and especially in 1998 he was
14 present in the Grand Hotel on several occasions.

15 Q. The 1998? You talked about staff.

16 A. I didn't talk about staff.

17 Q. I apologise. We wanted to know whether he had some kind of staff
18 and troops there. We all know what sort of person he was. I guess we
19 understand each other. We were not talking about any type of staff.
20 It doesn't suffice that you nod. You need to answer verbally.

21 There was a misunderstanding. There was no HQ organised by Arkan
22 at the Grand. Is that correct?

23 A. There was a presence of Arkan and his people in the Grand Hotel.
24 Whatever you call them. A terrorist group, criminals, I don't know how
25 you would call them, but they were present there and his presence was very

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1 transparent.

2 Q. When?

3 A. In 1998.

4 Q. I guess that's your answer. I can't do anything about it. But I
5 would like to ask you something else. You are obviously friends with Mr.
6 Surroi. You cooperated and so on. During your testimony --

7 A. We worked for 12 years together.

8 Q. In his testimony, Mr. Surroi said that he participated in the

9 talks, negotiations, whatever term we use, organised by the Bertelsmann
10 Foundation. Before I move on to something else, I wanted to ask you this:
11 At a certain point in your statement you say that you knew that Fehmi
12 Agani was conducting some sort of negotiations and that Dusan Mihajlovic
13 participated as well and his party deputy, Mr. Ratomir Tanic. This is
14 what is in your statement. Is that correct, in your statement from 2001?
15 A. I did not mention him as a deputy. I only mentioned Ratomir
16 Tanic. For a moment, he indeed was deputy of Dusan Tanic [as
17 interpreted].
18 Q. It says deputy in the statement.
19 A. Yes.

20 Q. Let us not dwell on this. It's important that we understand each
21 other. I wanted to point out one part of the statement to you.
22 Mr. Surroi, when talking about Ratomir Tanic, when he mentioned that very
23 same Ratomir Tanic, said that he was Mihajlovic's advisor, albeit it is
24 unimportant, and he said Tanic said that he had direct links to Milosevic
25 but I didn't trust him. I always was distrustful of Tanic.

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1 Since you were friends, can you tell us why he didn't trust him?
2 Do you have an explanation?
3 A. Myself and Shkelzen Maliqi met him, Mr. Tanic, at a conference in
4 Ohrid and we had the same impression, that he was very close to Milosevic,
5 that he visits him. The ease with which he was telling things, discussing
6 issues about dialogue, the reality was not that easy, the way he
7 represented it.
8 Q. Very well. Perhaps you didn't understand me because of the
9 language I use. Mr. Surroi said I was always and I have always been
10 distrustful of Tanic. I didn't trust him. Why did he say that? Do you
11 know anything about that? What led him to gain that impression? Since
12 you know you met the man as well.
13 A. You're speaking here of two people, myself and Surroi, that had
14 much more important meetings than the meetings with Mr. Tanic. He is a
15 marginal person as far as we are concerned, but sometimes even these
16 marginal persons can be important in certain processes. My --
17 Q. Let's switch to Serbian. Perhaps it will work better. Surroi
18 said he didn't trust him and that he was always distrustful of him. Veton
19 said that he didn't trust Tanic and that he was always distrustful of

20 Tanic. Since you've been friends for 12 years, can you help us, why did
21 he say that? Did you understand me now?
22 A. I told you that we were public figures, and being public figures,
23 we knew many people who were far more powerful and stronger than him, both
24 politically and in terms of intelligence. Tanic was -- well, a man who
25 overdid things. He spoke of serious matters in too far a light way.

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1 Q. Therefore, he did not give away the impression of a serious
2 person, although he wanted to appear as one. Is that so? Yes or no?
3 A. I already answered that, and I seriously don't know why Tanic is
4 here in this question, why he's part of the question.
5 Q. It doesn't have to be clear to you, as long as it's clear to me.
6 Just a moment to re-organise my thoughts. Oh, yes, another thing. It's
7 not Tanic anymore. In your addendum, 1987 and 1988 always appear to be a
8 problem. You were quite lucky that you mentioned 1988 and not 1987,
9 otherwise you would have been cross-examined for two days. I apologise,
10 1997 and 1998. You told the Prosecutor why you participated in
11 negotiations involving Stijovic, Stanisic, et cetera. I wanted to know
12 something else. You said that you may have been the best-informed person
13 in Kosovo, that you conducted 21 interviews with Serb politicians, all of
14 which were highly positioned. And you said that you never interviewed
15 Milosevic or his wife, but I don't understand this -- but I also did not
16 interview anyone from the socialist party, Socialist Democratic Party, did
17 you mean Korac? They have one member I think.
18 A. I don't understand.

19 Q. Which social democratic party is it that you didn't interview any
20 single politician of theirs? Did you have the SPS in mind? Do you want
21 your statement?

22 A. I meant the party of Mrs. Milosevic. That is that I did not
23 interview anyone from Mrs. Milosevic's party.

24 Q. Now it makes sense. You continue by saying that all of the
25 politicians you interviewed said that Serbia controls Kosovo through its

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1 police and that only Milosevic and Stanisic can decide on the fate of
2 Kosovo. What year was that? Did you have in mind any particular year or
3 generally speaking? Briefly, please.

4 A. These are all public matters. The interviews date back in 1994,

5 1995, 1996, and 1997. After 1997, I did not have the opportunity to
6 interview Serb officials any longer. To my recollection, the last
7 interview I made was in June 1997.

8 Q. When you organised a meeting in Belgrade together with Beta, you
9 organised an internet service I think. Were you still under the same
10 impression? You could hear the opinions from Belgrade via the Internet.

11 A. In order to stop the war, we created a site. We started with
12 academic Cosic and another academician from Pristina. Our impression was
13 that Milosevic was a person who decides over Kosova. Academician Markovic
14 from the socialist party, when I interviewed him, he said that there were
15 two persons who decide over Kosova, it's Milosevic and Stanisic, and not
16 to mention Predrag Simic and other persons that I interviewed.

17 Q. I forgot Surroi, but I'm -- I forgot to ask Surroi, but now I'm
18 asking you: Why did you not -- why did you not go out and have an
19 election instead of going into a war?

20 A. In fact, we didn't want to become part of a regime that was
21 impossible to be toppled down through Albanians; and secondly, the --
22 there was no cohabitation between Albanians and Serbians. All the chances
23 were given and lost. In 1997, Stanisic said that around Milosevic there
24 are structural nationalists, nationalists that will never recognise Kosova
25 as a republic.

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1 THE WITNESS: I'm tired.

2 JUDGE BONOMY: Thank you, Mr. Fila.

3 Mr. Sepenuk, do you have questions?

4 MR. SEPENUK: Yes, but --

5 JUDGE BONOMY: We'll have them after the break?

6 MR. SEPENUK: That's fine, Your Honour, except I'm going to guess
7 I've got about three minutes. Before the break, after the break, it
8 doesn't matter.

9 JUDGE BONOMY: We'll have them after the break.

10 MR. SEPENUK: Thank you.

11 JUDGE BONOMY: We have to break again now for half an hour,

12 Mr. Haxhiu.

13 THE WITNESS: Again?

14 JUDGE BONOMY: I won't go into the details of why we must do it.

15 I think everyone here knows that I would be the first not to break if the

16 opportunity was there, but it is not available to me I'm afraid. If your
17 concern is if you will be finished today, I think it's pretty clear your
18 evidence will be finished today.

19 THE WITNESS: It's possible to not break, please?

20 JUDGE BONAMY: No, it's not possible, so please leave with the
21 usher. Thank you.

22 [The witness stands down]

23 JUDGE BONAMY: And we will resume at 6.00.

24 --- Recess taken at 5.32 p.m.

25 --- On resuming at 6.01 p.m.

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1 JUDGE BONAMY: Mr. Sepenuk.

2 MR. SEPENUK: Yes. Thank you, Your Honour.

3 Cross-examination by Mr. Sepenuk:

4 Q. Mr. Haxhiu, I'm Norman Sepenuk, and I'm an attorney for General
5 Ojdanic, and I have just a few questions for you.

6 As I understand it, you left Kosovo on April 2nd, 1999, and you
7 went to Macedonia where you continued to publish Koha Ditore. Is that
8 correct?

9 A. Yes, that's correct.

10 Q. And you reached Tetovo in Macedonia on April 7th, 1999. Is that
11 correct?

12 A. On the 7th of April at about 3.30 or 4.00 p.m.

13 Q. Right and how long did you stay in Macedonia, for what period of
14 time?

15 A. From the 7th of April to the 26th of June. However, I entered
16 Kosovo for the first time on the 15th of June. The rest of the days I
17 used to transfer the office from Tetovo to Pristina. I commuted between
18 the two places.

19 Q. Thank you. And is it fair to say that when you were in Macedonia
20 during that period, you followed the war in Kosovo closely?

21 A. Well, as closely as I could because I was not present there. But
22 we followed very closely every statement, every piece of writing, every
23 interview that was given with relation to Kosova and on Kosova.

24 Q. Right. I understand. And you say you speak English quite well.

25 You're comfortable with the English language. I'll use an American

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1 expression now, rooting for somebody, when you're rooting like for a
2 football team, you're hoping they're going to win. Do you understand that
3 expression, when you're rooting for something or someone? You have to say
4 yes or no. Do you understand that expression?

5 A. [In English] I would say yes.

6 Q. Okay. And is it fair to say that you were rooting for the success
7 of the NATO air operation?

8 A. [Interpretation] I've also stated this publicly. I won't deny it,
9 and I was convinced that NATO would win.

10 Q. Right. And you were so enthused about the NATO bombing that you
11 actually, as I understand it, right before the war started you wore a
12 shirt, probably a T-shirt, which said "NATO, just do it." Is that true?

13 A. Yes, it's true. And I placed that on the front page of my
14 newspaper in October 1998 because the atmosphere was unbearable.

15 Q. I understand. And were you in touch with the various KLA
16 commanders in the field concerning their role in guiding the NATO bombing
17 attack?

18 A. No. I didn't think they were prepared enough to give information
19 to NATO with regard to NATO bombing. Part of the people who had joined
20 the KLA were idealists and they did not know much about military affairs.

21 Q. Were you discussing that with KLA commanders during the time you
22 were in Macedonia by satellite telephone, for example?

23 A. I never spoke by satellite telephone when I was in Macedonia.

24 Once I met in Tetovo Mr. Thaqi. It was the 12th or the 13th of June,
25 1999; that is after the Kumanova agreement was signed.

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1 Q. And do you know a person by the name of Timothy Garton Ash?

2 A. He's a friend of mine. He's a fellow journalist, and he's one of
3 my favourite writers and journalists. One of the best writers in
4 journalism.

5 Q. Thank you. And he's written extensively on Kosovo affairs, has he
6 not?

7 A. Both during the conflict and before and after the war. He was
8 dedicated to the Balkan conflict, especially the Kosova conflict, together
9 with Michael Ignatieff and Kuchov [phoen].

10 Q. And as further -- as a further indication of what a good and
11 respectable journalist he is, is it fair to say that he would rely at

12 least in part sometimes on your opinion and he would interview about your
13 views on Kosovo?

14 A. It could be said that. You could say that. He has spoken to me
15 two or three times about Kosova, and a couple of his writings, one of them
16 was a New York review book, where he cites me. He also cited me in other
17 writings as well.

18 Q. And while we're on that subject, let me ask you about that article
19 in the New York Review of Books which is called "Kosovo and Beyond" by
20 Timothy Garton Ash, and it's 3D382.

21 A. No, it's not Kosova and weapons -- oh, yes, "Kosova and Beyond."

22 Q. Do you remember that article?

23 A. [No interpretation].

24 Q. Was that a good article, do you recall, accurate?

25 A. Timothy Garton Ash is known for being very accurate, but also he's

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1 known for his very clear opinions which sometimes are not based on
2 information but on perception, because journalists have their own
3 perceptions as well.

4 Q. Okay. Well, let me -- you mentioned that he's known for being
5 accurate. Let me just read to you and you can follow along in the
6 English, the first paragraph of this article. It says: "I'll tell you
7 the truth," and that's in quotes, "says the Kosovar newspaper
8 editor." "They really don't know. We are sitting in Tetovo Macedonia in
9 the Cafe Arbi where the exiled intellectuals of Pristina meet the
10 world. 'They' are not the intellectuals but the KLA commanders still in
11 Kosovo, to whom the editor Baton Haxhiu talks daily by satellite phone.
12 Besieged on their hilltops they can see a burning village here, a Serb
13 patrol there, a tank at the crossroads, but they have no overall picture,
14 yet a large proportion of NATO's bombing targets in Kosovo come from this
15 same source, from the KLA commanders via satellite phone. So 'they' is
16 also NATO."

17 Is that accurate, Mr. Haxhiu?

18 A. When you look at this sentence when it says "talks daily,"
19 or "talked daily," this does not refer to me, that I was talking to them
20 every day. This is about the KLA people who had satellite telephone
21 contacts in various ways of communication.

22 Q. Are you quarrelling with the use of the word "daily," or are you

23 claiming that you didn't talk to them at all?

24 A. To tell you the truth, I received two phone calls by satellite,

25 but I did not speak about my opinion, my opinion to I gave to

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1 Deutsche Welle and New York Times, that I felt humiliated that there was
2 no one to protect me during my expulsion. So that KLA that had built some
3 kind of reputation at the time was not there to protect me from my
4 expulsion from Kosova to Macedonia.

5 So that's -- on that occasion I received two phone calls which
6 were semi-threatening, but they were not about anything that had to do
7 with NATO.

8 Q. Were you --

9 A. As I said, I was speaking about the KLA not being able to protect
10 me from the Serbian army and paramilitaries. This statement was given on
11 the 7th of April when I arrived in Tetovo, and I gave that to
12 Deutsche Welle and New York Times.

13 Q. But my question is more simple. I want to know whether you had
14 any conversations. You say you didn't have them daily. Did you have any
15 conversations with KLA commanders in the field about NATO bombings and the
16 location of targets for the KLA by NATO. In other words, are you denying
17 the accuracy of what your friend, Mr. Ash, has said in this article?

18 A. I said simply and clearly, I never spoke with them about NATO
19 targets, absolutely not, because there was nothing I could tell them and I
20 never spoke with KLA people about these things. I never spoke to any KLA
21 commander about targets, because people from the international community
22 were based in Tetovo and we had meetings with them, very frequent
23 meetings, I would say. They wanted our opinion about the end of this
24 conflict.

25 Q. So you had no -- your testimony is that you didn't talk to KLA

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1 commanders and you had no knowledge while you were in Macedonia of whether
2 KLA commanders or even members of the KLA helped NATO in determining
3 bombing targets. Is that your testimony?

4 A. I'm reiterating the same again, and this is very accurate, that I
5 never spoke to KLA people about targets.

6 Q. So -- so Mr. Ash, your friend and who you say is known for his
7 accuracy, got this one wrong? Is that plain and simple the case, he got

8 it wrong?

9 A. [In English] Better to say misquoting.

10 Q. He misquoted you. Okay. Thank you.

11 JUDGE BONAMY: Ms. Moeller.

12 MS. MOELLER: Thank you.

13 Re-examination by Ms. Moeller:

14 Q. Just to stay on this point that my learned colleague Mr. Sepenuk
15 discussed with you, you said that you got two semi-threatening phone calls
16 via the satellite phone. It wasn't really clear to me on the transcript
17 who was threatening you and why. Could you explain that.

18 A. [Interpretation] This could not be taken as a full threat, but
19 they were indignant that I had stated in Deutsche Welle and New York Times
20 that nobody was there to protect me. My statement was about the KLA. All
21 the people who were expelled had no protection from anybody; this was the
22 essence of that criticism that I made. And if you could call that a
23 threat, I received two phone calls that told me this was a mistake, and we
24 did not have the power to protect you, that's why you were not protected.
25 The fact that the KLA had gained this fame of being very strong was broken

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1 at the time when thousands of people left the country and nobody protected
2 them.

3 Q. And were there actually other occasions on which you were quite
4 critical towards the KLA and what they did?

5 A. Many times, and sometimes my criticisms were very harsh. I took
6 the courage to criticise them about things that I considered unpleasant,
7 especially with regard to the creation of a government which would make it
8 possible to create a new spirit, a new dialogue for overcoming this
9 situation. I was with Jan Kickert and David Slinn in the Berisha
10 mountains and at that time, on that occasion I had this very fiery
11 dialogue with members of the KLA, representatives of the KLA.

12 Q. And were you also critical of the KLA in some publications?

13 A. In what meaning?

14 Q. In your newspaper, did you write critically about actions of the
15 KLA or crimes committed by them?

16 A. We did not speak about crimes because they did not have the
17 opportunity to commit any crimes, but we criticised them for leaving the
18 places, their positions, and leaving the population at the mercy of the

19 Serb forces. We criticised them for the way they were fighting and we
20 criticised the symbols they used in 1998.

21 Q. Okay. Now to go back to an issue that was raised by my learned
22 colleague Mr. Ivetic. The second student protest on 30 October 1997, it
23 was discussed that no violence was used against the students at that time
24 by the police. Was there any violence used against any other people that
25 were present during this demonstration and did you actually help some

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1 victims of this violence yourself?

2 A. Yes, yes. It's very interesting, because that day that they did
3 not use violence against the students they used violence in town. They
4 changed tactics. They beat up some journalists. One of them, Ibrahim
5 Osmani, was beaten up very badly. A journalist of Voice of America was
6 also beaten up, and we took these people to a local private hospital
7 because the state hospitals were controlled by the Serbs. That day was
8 critical in town, but it was a calm day as far as the demonstration was
9 concerned. -.

10 However, I have to clarify one thing here. If the Serb police was
11 applying the law that no notification had been made about this
12 demonstration, the same police intervened the first time. So there was
13 this legal ambiguity. This is what distinguishes a state where law and
14 order reigns and other states where law and order goes amiss.

15 Q. And you said "we" took some people to private hospital. Who was
16 with you on this occasion?

17 A. We did not dare to transport them in our own vehicles. We used a
18 diplomatic vehicle, a Land Rover, a blue one, it belonged to Julian
19 Broadfight. We asked him to help us carry these people to a private
20 hospital; they were in a very grave state.

21 Q. And now my last question relating to an issue also raised by
22 Mr. Ivetic. The looting and destruction of the premises of Koha Ditore on
23 or after 24 March 1999, according to your testimony you were in an
24 apartment or basement hiding, and you confirmed that you did not see that
25 with your own eyes, so who did tell you what happened to the premises of

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1 your newspaper?

2 A. The next day -- I have to clarify something here. We did not know
3 what war would mean, so we decided to go to the offices the next morning.

4 So the next morning several journalists went to the offices and saw the
5 guard who had been killed right at the gate of the building. There was no
6 reason why to kill that person and put them right there on the step, on
7 the doorstep, of the building, put him --

8 THE INTERPRETER: Correction.

9 THE WITNESS: [Interpretation] So I told Mr. Surroi that the guard
10 was killed. And as I told you, I carried this guilt with me because I
11 told him to stay there and keep guard on the building.

12 MS. MOELLER:

13 Q. [Previous translation continues] ... but the next morning, which
14 day do you mean?

15 A. It was the 25th, 9.15 a.m. when I received the phone call. The
16 phones worked that day.

17 Q. Okay. And you received the phone call from this colleague of
18 yours who went to work basically and then found out that the place had
19 been devastated?

20 A. Yes, correct.

21 Q. And you also stated in your statement that your flat was looted.
22 Did you see that yourself or who told you about that?

23 A. In my apartment at the time where my mother and my father and the
24 police came, they took my -- a photograph of mine. That was a photograph
25 that was taken of me in Racak with the bodies that had been killed. And

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1 they also had taken all the floppy disks and some other materials. And
2 also a photograph of me with my son.

3 Q. And were your parents there when that happened?

4 A. Yes. My parents were there. They were told to go into one room.
5 They searched the place --

6 Q. So it was them who told you?

7 A. My father. And this happened later after I went to Macedonia. It
8 was around the 10th of April.

9 Q. Thank you very much.

10 MS. MOELLER: No further questions, Your Honour.

11 [Trial Chamber confers]

12 JUDGE BONOMY: Well, Mr. Haxhiu, that completes your evidence.

13 Thank you for coming again to the Tribunal to give it and you're now free
14 to leave.

15 THE WITNESS: [Interpretation] Thank you very much. It was my

16 pleasure.

17 [The witness withdrew]

18 [Trial Chamber confers]

19 JUDGE BONOMY: Yes, Ms. Moeller.

20 MS. MOELLER: Your Honours, I would just like to inquire regarding

21 the Defence exhibits whether the Defence intends to tender Exhibit 6D108,

22 which is the purported shorthand recording in the Evropa newspaper of the

23 meeting between Mr. Bakalli and Mr. Stanasic, because we would object to

24 this document.

25 MR. IVETIC: I haven't moved for its admission and I'm not moving

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1 now either so ...

2 JUDGE BONOMY: No, it's not been tendered. The number's never

3 been -- or if it was mentioned it was after the event, and it's not an

4 exhibit.

5 MS. MOELLER: Yes. I was just making sure of that because

6 [Microphone not activated] in passing. Thank you.

7 JUDGE BONOMY: Thank you.

8 Mr. Ackerman, how long will your cross-examination of Mr. Zyrapi

9 be?

10 MR. ACKERMAN: Your Honour, it's very difficult to tell. It's

11 fairly lengthy.

12 JUDGE BONOMY: More than the rest of today?

13 MR. ACKERMAN: No doubt about that.

14 JUDGE BONOMY: No doubt about that. Right --

15 MR. ACKERMAN: What I would like to mention to you is that I think

16 this is one of those instances contemplated in your order of where we will

17 ask a little bit of additional time. I can't say for sure that we will,

18 but what I'm concerned about is I don't want to cut short some

19 cross-examination that I think is critical just out of fear that I'll be

20 taking time away from those that are behind me. And if we use additional

21 time, I don't think it will be very much.

22 JUDGE BONOMY: Well, I think what we should do is deal with the

23 way in which the evidence of Mr. Tanic is to be presented.

24 Now, are you in a position to deal with that or does it mean

25 summoning someone else?

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1 MR. STAMP: May it please you, Your Honour. I would have to deal
2 with it if it's going to be raised now. Mr. Hannis is more aware of other
3 issues but he has had to leave because of personal reasons.
4 JUDGE BONOMY: It doesn't need to be done just now. It would have
5 been, I thought, convenient for him. But if it's preferable that he deals
6 with it and that has to be tomorrow, then we'll leave it until tomorrow.
7 MR. STAMP: Very well.
8 JUDGE BONOMY: Is that your preference?
9 MR. STAMP: Indeed, it is.
10 JUDGE BONOMY: In that case, we shall have Mr. Zyrapi back,
11 please.
12 [The witness entered court]
13 JUDGE BONOMY: Good evening, Mr. Zyrapi.
14 THE WITNESS: [Interpretation] Good evening.
15 JUDGE BONOMY: Your evidence will now continue, a bit later than
16 we had hoped, but we'll hear evidence for about half an hour or so, and
17 the first counsel to deal with evidence today will be Mr. Ackerman.
18 Mr. Ackerman.
19 WITNESS: BISLIM ZYRAPI [Resumed]
20 [Witness answered through interpreter]
21 Cross-examination by Mr. Ackerman: [Continued]
22 Q. Good evening, Mr. Zyrapi.
23 A. Good evening.
24 Q. You will recall that yesterday we were trying to get some good
25 sense of where the Berisa mountains were located in relation to one of

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1 your maps, which is P2447. And the first thing I want to make sure that
2 we are clear about is the Berisa mountains is a place that you talked
3 about as being a place where the KLA had headquarters and quite a few of
4 its troops were -- were in those mountains. That's true, is it not?
5 A. Yes.
6 Q. And what you talked about yesterday when this action was going on
7 in the area of the A, B, and C on your map P2447, and the KLA was
8 withdrawing along with the -- some of the civilian population. You were
9 withdrawing into this area of the Berisa mountains, and that's also
10 correct, isn't it?

11 A. Yes.

12 Q. What I'd like to do is have you be able to see on your screen

13 Prosecution Exhibit 615 and page 23 thereof. And the usher will give you

14 a pen that you can draw on the exhibit with and we'll do a -- make a

15 little exhibit, if we can.

16 Now, what we're going to need to do is zoom in to the proper area,

17 and it is above Suva Reka, between Suva Reka and Malisevo and to the kind

18 of -- almost in the middle. Up a little higher. Try to zoom right in to

19 that area; I think that's where we want to be.

20 Do you see the area that we were talking about yesterday?

21 A. Yes.

22 Q. Now, what I would like you to do if you can do it on this map --

23 because I think it's a little better -- I think it's a little better in

24 terms of the -- you can kind of see the green there that's mountains.

25 Could you take a pen and just draw a line around, like encircle, the

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1 Berisa mountains for us so we will know where they are.

2 THE INTERPRETER: If the witness could speak into the microphone,

3 please.

4 JUDGE BONOMY: Mr. Zyrapi, if you could please be sure to speak

5 into the microphone. Thank you.

6 THE WITNESS: [Interpretation] Yes. I am drawing a line around

7 Berisha mountains.

8 MR. ACKERMAN: Can we raise the map up just a little bit so we

9 can --

10 JUDGE BONOMY: Can't move it once you start drawing on it,

11 Mr. Ackerman.

12 MR. ACKERMAN: No, that's right, Judge, I know.

13 JUDGE BONOMY: Is that not good enough for you?

14 MR. ACKERMAN: I think it's probably good enough.

15 Q. Now, the only other thing I'd like you to do is when you were

16 moving from area B to area C on P2447, can you just draw a line with an

17 arrow maybe on it pointing to the direction that you moved and where you

18 went in this Berisa mountain area. I don't know whether you can do that

19 or not, but if you can I'd appreciate it.

20 A. The movement from B to C, right?

21 Q. Yes. Basically into the Berisa mountain areas, from Velenica, I

22 guess, maybe in that area.

23 A. [Marks].

24 Q. Okay. That's probably the best we can do.

25 MR. ACKERMAN: And I'll ask that that be marked as an exhibit.

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1 THE REGISTRAR: That will be IC --

2 JUDGE BONAMY: Sorry, but Mr. Marcussen is on his feet.

3 MR. MARCUSSEN: I would just suggest that we just make sure on the
4 record that the witness drew from the south in a northerly direction, as
5 there is no arrow on the end of the line so we can understand it later.

6 MR. ACKERMAN: Yes. Thank you for that.

7 JUDGE BONAMY: Thank you.

8 THE REGISTRAR: That will be IC106, Your Honours.

9 MR. ACKERMAN:

10 Q. Now, this movement you have shown on this map, this occurred I
11 think the 1st or 2nd of April. Which is it?

12 A. No. This movement occurred on the 31st of March and 1st of April.

13 Q. All right. Thank you. All right. We're finished with that now.

14 There was a time right after the war, I know, when Bernard
15 Kouchner appointed you to some kind of a position, a co-director or
16 something like that. Can you tell us what that was you were appointed to
17 at that time?

18 A. Yes. In August 2000 I was appointed an associate director of the
19 department for emergency management; that's what it was called.

20 Q. And basically what were the duties that you had in that
21 department?

22 A. Part of our duties were to develop this department, to
23 administrate the TMK, and to develop emergency units in Kosova.

24 Q. And remind me what the TMK is.

25 A. It's the Kosova Protection Corps, KPC.

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1 Q. Now, I take it that you don't continue to hold that position; is
2 that true?

3 A. Yes. Now I hold a different post.

4 Q. Are you comfortable with telling us what it is you do now, what
5 that post is?

6 A. It's a department for management with emergencies. The fire

7 service and the municipalities which are in the process of formation.

8 Q. I'm wondering if -- is that -- does that give you a status that
9 would give you sort of automatic access to these archives that you told us
10 about yesterday; and if not, how is it that you got access to these
11 archives?

12 A. I had an access to these archives, not because of my post but also
13 because I knew people who worked in KPS, and that's how I managed to
14 obtain some of the documents.

15 THE INTERPRETER: KPC, correction.

16 MR. ACKERMAN:

17 Q. And tell us what KPC is?

18 JUDGE BONOMY: We've just had it, the Kosovo Protection Corps.

19 MR. ACKERMAN: Oh, we already did that. It was TMK a little while
20 ago. It's the same thing.

21 JUDGE BONOMY: I think it's different language.

22 MR. ACKERMAN: Yeah.

23 Q. Now, yesterday when Mr. Sepenuk was asking you questions about
24 these archives and the documents that you got from those archives, this
25 kind of an exchange occurred. The question you asked was -- that was

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1 asked of you: "Did the Prosecutor's office ask you to obtain this record
2 and records like this?"

3 Your answer was: "They did not ask me directly, but they told me
4 what I could testify about when I came here.

5 "Q. And what was that? What was that conversation? When you say
6 they told you what you could testify about, when was that? When did they
7 tell you that, and what is it they said you could testify about?"

8 Your answer was: "I said this earlier, this was before I came
9 here when I gave my statement in July."

10 And then the question: "If I'm not mistaken, the Prosecution told
11 you what you could testify about. Could you be just a little bit more
12 precise about that. What was conversation with the Prosecution?

13 "A. Well, the Prosecution talked with me about things that I knew
14 that I could testify about. They didn't tell me what to say here. They
15 asked me what I knew and come and tell the truth here."

16 And then this question: "Did they ask you to find records of
17 disciplinary actions by either a local commander or a military court

18 against KLA soldiers who had either murdered or abducted Serbian civilians
19 or alleged Albanian collaborationists?
20 "A. They said in general if I had any documents that I could
21 find, documents that could be useful. They did not specify what kinds of
22 documents."
23 Now, that was kind of a long lead-up, but I think it was important
24 to establish the context. What did you understand to be documents that
25 could be useful?

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1 A. I did not say "useful," just documents that I can offer as part of
2 my statement. This is what I said yesterday.
3 Q. Well, I've -- I've quoted your testimony, the exact words that
4 appear in our transcript. And what it says was: "They said if you had
5 documents you could find, documents that could be useful." How did you
6 decide as you went through these archives what documents you should
7 produce and what documents you should not? What criteria did you use in
8 that regard?
9 A. I didn't use any criteria. It is just documents that I could find
10 in the mentioned archives.
11 Q. Well, I have the impression that there are many, many documents in
12 these archives. Am I wrong?
13 A. I don't know how many documents there are, but these are the
14 documents that I could find in the archives.
15 Q. How about describing the archives. Physically, what do these
16 archives look like? Are there giant boxes full of things or are there
17 cabinets full of documents? How are they arranged? What do they look
18 like?
19 A. I cannot fully describe the archives. It's rooms where documents
20 are kept.
21 Q. And how are they kept? Are they kept in binders or boxes or what?
22 A. In binders.
23 Q. Now, there was a -- an exhibit that was shown to you yesterday. I
24 don't recall the number of it right now, but it was one of the -- one of
25 the documents that you brought that was an order regarding reports that

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1 were to be prepared by commanders, daily combat reports, one in the
2 morning and one in the evening, from each of these groups. I would assume

3 that those daily combat reports are all in those archives somewhere. Is
4 that true?

5 A. They should be there, but when I was looking for these documents I
6 couldn't find everything.

7 Q. Well, you didn't bring everything that you saw in the archives,
8 did you?

9 A. What I saw in the archives, I brought it.

10 Q. So in this room -- you described this room full of documents that
11 are in binders and you brought, what, 20 documents. Is that all there
12 were in that room? That's not even one binder worth.

13 A. That's all I could find.

14 Q. So the entire archives that you told us about yesterday consist of
15 less than one binder of documents?

16 A. As I said earlier, what I could find I brought here. Maybe there
17 are more documents in that archives but I couldn't find everything.

18 Q. I want you to --

19 JUDGE BONAMY: Mr. Zyrapi, just for a moment could you look
20 at P2463. Can you remember finding that document?

21 THE WITNESS: [Interpretation] Yes.

22 JUDGE BONAMY: Where did you find it?

23 THE WITNESS: [Interpretation] This document was found in the
24 archives of Pashtrik Operative Zone. It is in the archives of the second
25 zone of KPC.

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1 JUDGE BONAMY: Was it in a binder on its own or was it mixed in
2 with other documents?

3 THE WITNESS: [Interpretation] There were other documents as well.

4 JUDGE BONAMY: How did you --

5 THE WITNESS: [Interpretation] -- but not all pertaining to war.
6 There were other documents.

7 JUDGE BONAMY: How did you come to select this one from that
8 particular binder?

9 THE WITNESS: [Interpretation] I found other documents in this
10 archive as well, not only this one. And I've submitted many other
11 documents to the Tribunal's office in Pristina.

12 JUDGE BONAMY: But how did you decide which ones to select from
13 the binders and which ones to leave in the binders?

14 THE WITNESS: [Interpretation] The majority of documents,
15 especially in this archive, what I was able to find I brought it to the
16 OTP office in Pristina, to the extent that I could find.
17 JUDGE BONOMY: So can you give us any indication of the volume of
18 documents you've taken to the OTP office in Pristina?
19 THE WITNESS: [Interpretation] I don't know how many documents
20 there were, but there were quite a lot, especially from the Pashtrik
21 Operational Zone. I don't know the exact number, however.
22 JUDGE BONOMY: Do you know, Mr. Marcussen?
23 MR. MARCUSSEN: I would have to put one question to the witness to
24 be sure that I answer correctly, but --
25 JUDGE BONOMY: Well, what -- no, just tell me your understanding.

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1 MR. MARCUSSEN: My understanding is that it is a bundle of 85 or a
2 hundred pages or something like that and --
3 JUDGE BONOMY: Mr. Zyrapi, does that sound like the number of
4 documents you handed to the office in Pristina?
5 THE WITNESS: [Interpretation] Yes, approximately, that is the
6 number.
7 JUDGE BONOMY: Mr. Ackerman, I'm not sure I've helped very much,
8 but it's back to you.
9 MR. ACKERMAN:
10 Q. And is that all of the -- you took then to the office in Pristina
11 all of the archives that you could find?
12 A. Yes, the documents I could find.
13 Q. So if any of us went looking at the archives of the KLA, we
14 wouldn't see any documents other than the ones which you turned over to
15 the OTP office in Pristina. Is that your testimony?
16 A. As I said earlier, documents that I could find; I did not say
17 whether there were other documents or not.
18 Q. Well, what was the search --
19 JUDGE BONOMY: Hold on, Mr. Ackerman. We have Mr. Marcussen on
20 his feet.
21 MR. MARCUSSEN: I don't think the witness has said that he went
22 through the entire archives. I'm not sure the basis for -- it looks like
23 Mr. Ackerman is suggesting that there would be no other documents there
24 because the witness has said that he had sorted through every single

25 document in the archive.

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1 JUDGE BONOMY: The only distinction I have in my mind at the
2 moment is between documents which relate to the war and documents which
3 don't relate to the war. But apart from that I haven't heard a
4 distinction, so I don't see anything wrong with the questions.
5 Carry on, please, Mr. Ackerman.

6 MR. ACKERMAN:

7 Q. In the course of your testimony, and I haven't got all the
8 references, but you were asked about various documents, when they were
9 shown to you, and you would say, Well, those came from the General Staff
10 archives. And then another document would be shown to you and you would
11 say that came from the Pastrok zone archives. And another one would be
12 shown you and that came from some other archive. And you'll have to
13 forgive me for getting the impression that you were looking at a lot of
14 different archives, not just one. Am I wrong?

15 A. It is correct that yesterday I mentioned that I checked with the
16 archives of the General Staff and of the zones and to see where I could
17 find these documents.

18 JUDGE BONOMY: Did you go to each one yourself or did you rely on
19 someone else providing material from the archives?

20 THE WITNESS: [Interpretation] In some I went myself, and for some
21 others I asked colleagues who worked there for a favour and -- but in most
22 of the cases I did it myself.

23 JUDGE BONOMY: Mr. Marcussen, does the OTP have access to these
24 archives?

25 MR. MARCUSSEN: We would have to make requests for assistance --

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1 for assistance, I believe, as we normally do with access to archives.

2 JUDGE BONOMY: Is this not something that ought to have been
3 invaded and investigated by the OTP if they had the authority, which seems
4 to be fairly easy to get, to do it?

5 MR. MARCUSSEN: Well, we are trying to obtain access to many
6 different archives in different places.

7 JUDGE BONOMY: Well, is this one or are the KLA archives archives
8 that you've tried to get access to?

9 MR. MARCUSSEN: I would have to inquire. I don't know. I haven't

10 seen -- well, yeah -- no, I would have to inquire to be able to answer
11 your question correctly.

12 JUDGE BONOMY: Mr. Ackerman.

13 MR. ACKERMAN:

14 Q. The documents that you found that -- if I understand you were all
15 of the documents that you could find, you've told us you turned over to
16 the OTP office in Pristina. True?

17 A. Yes.

18 Q. And since you have been here at the Tribunal preparing for your
19 testimony here, have you seen all the documents that you turned over to
20 the Tribunal at the Pristina office?

21 A. Those that were shown to me.

22 Q. So do you recall turning over other documents to the Pristina
23 office that you haven't seen here?

24 A. There are many documents that I've submitted, but ...

25 Q. Can you tell us approximately when you turned these documents over

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1 to the OTP office in Pristina?

2 A. It was before I came here to the Tribunal.

3 Q. Well, that's fairly obvious. That doesn't help me very much. Can
4 you give me something like a date that you might have done that?

5 A. I don't remember the exact date.

6 Q. Was it a year ago? Two years ago?

7 A. No, not that long ago.

8 Q. How long ago? Just give me your best guess. I don't know why
9 you're playing with me about this. About how long ago was it?

10 A. I don't know exactly. Perhaps two or three weeks before I
11 travelled to here.

12 JUDGE BONOMY: Now, Mr. Ackerman, I think we should interrupt
13 there for the evening. If you haven't already done so, then I suggest
14 that you have at least a brief exchange with Mr. Marcussen to see if your
15 knowledge of this can be advanced that way. That doesn't prevent you from
16 continuing the cross-examination, but it might help you to focus it. And
17 I'm not blaming you for that but it might help you to focus it better
18 if --

19 MR. ACKERMAN: Your Honour, we have had some exchange by e-mail,
20 and Mr. Marcussen has advised me that he has -- and I'm convinced that

21 this is the case, that he's supplied me with every document that they
22 have. The mystery that exists now is on the 31st of October we were given
23 an e-mail from the Prosecutor's office saying, Here are a bunch of
24 documents that the witness brought with him that we haven't seen before.
25 JUDGE BONOMY: Well, I --

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1 MR. ACKERMAN: And obviously they were turned over to their office
2 in Pristina apparently sometime much before that. I don't know. This is
3 a mystery to me and I don't -- I'm not making an accusation, but I sure am
4 missing some information.
5 JUDGE BONOMY: But do you reckon that you've got the 85 to a
6 hundred documents that were handed in at Pristina or have you had
7 something less than that?
8 MR. ACKERMAN: It's nowhere near 85 or a hundred documents. It's
9 maybe 30 or 40 pages at best I would think.
10 JUDGE BONOMY: I suggest you have another exploratory discussion
11 with Mr. Marcussen, rather than by e-mail, face-to-face, and see if you
12 can't get a bit closer to the situation before continuing with the cross
13 tomorrow.
14 MR. ACKERMAN: Thank you.
15 JUDGE BONOMY: Mr. Marcussen.
16 MR. MARCUSSEN: Maybe -- I cannot scroll back right now in the
17 transcript, but it's 85 or a hundred pages, not documents, just to put
18 that on the record, and I will meet with Mr. Ackerman afterwards.
19 JUDGE BONOMY: Thank you.
20 Well, Mr. Zyrapi, we have to interrupt again, I'm afraid, until
21 tomorrow. But tomorrow you will have our attention from the start of the
22 proceedings, which will be at 2.15. Meanwhile, I remind you of what I
23 said before: Please don't discuss the evidence with anybody at all. And
24 we'll see you again at 2.15 tomorrow. Please now leave the courtroom with
25 the usher.

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1 [The witness stands down]
2 JUDGE BONOMY: We'll adjourn until 2.15.
3 --- Whereupon the hearing adjourned at 7.00 p.m.,
4 to be reconvened on Thursday, the 9th day of
5 November, 2006, at 2.15 p.m.

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